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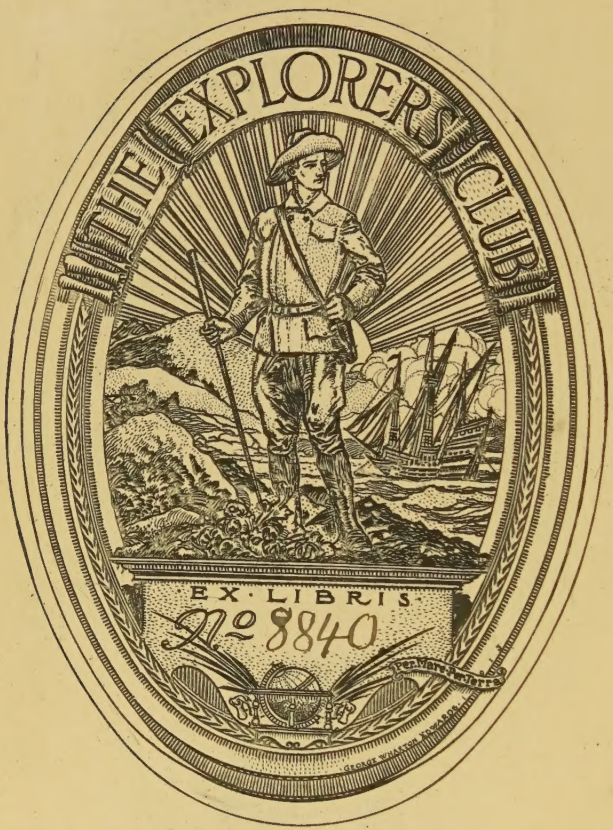


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# The Mississippi Valley in British Politics

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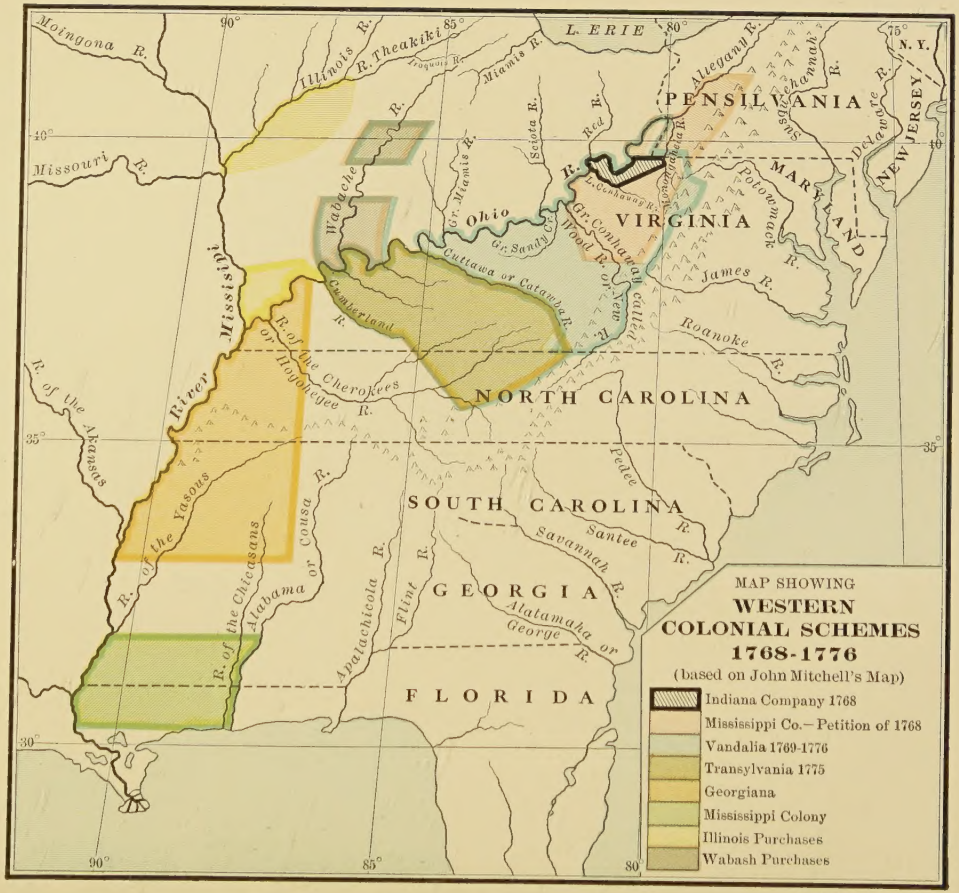
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Wood R. or New R.
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James R.
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Cumberland R.
Roanoke R.
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Alabama or Cousa R.
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Flint R.
GEORGIA
Alatamaha or George R.
FLORIDA
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MAP SHOWING
WESTERN
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1768-1776
(based on John Mitchell's Map)
Indiana Company 1768
Mississippi Co.—Petition of 1768
Vandalia 1769-1776
Transylvania 1775
Georgiana
Mississippi Colony
Illinois Purchases
Wabash Purchases

# The Mississippi Valley in British Politics

A STUDY OF THE TRADE, LAND SPECULATION, AND EXPERIMENTS IN IMPERIALISM CULMINATING IN THE AMERICAN REVOLUTION

BY

CLARENCE WALWORTH ALVORD

*WITH MAPS*

VOLUME II

THE ARTHUR H. CLARK COMPANY
CLEVELAND, U.S.A
1917

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# ILLUSTRATIONS

WESTERN COLONIAL SCHEMES, 1768-1776 . *Frontispiece*

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# I. THE BEDFORD ALLIANCE AND ITS RESULTS

*I suspect some appearance of resentment against the Americans is to be the first-fruits and cement of the new alliance, but I much doubt whether it will be such a one as you would have suggested or I approved.* – Lord Trevor to George Grenville.

"Without being able to make out a case on which the jarring opinions of the Rockinghams, Bedfords and Grenvilles could well agree, the opposition was earnest to find one out at all events. The Duke of Bedford's friends were evidently the most impatient, under an exclusion of office; and perhaps one may also say, that they were less embarrassed with scruples, on the head of measures, than the other parties, with whom they were acting."[1] Thus the Duke of Grafton in his mellow old age began to recount his recollections of one of the most portentous events in the history of the relations of Great Britain and her colonies, namely the entrance of the Bloomsbury Gang into his ministry. In the summer it had been determined that the administration should continue under the leadership of the Duke of Grafton, and preparations had been made to inaugurate a broad and radical American policy. There had been hopes within the governmental circles, however, that some accession of strength might be gained before the winter had passed, hopes which were strengthened by the actions of the three opposition factions, each of which appeared to be maneuvering to gain a possible

[1] Grafton, *Autobiography*, 171.

advantage over the others with the result that at the opening of parliament the opposition was weak and divided. Horace Walpole could write jubilantly to his friend, Sir Horace Mann:

> We are triumphant beyond the paltry wisdom of calculation. We do not stoop to the detail of divisions to judge our strength. Two oppositions, that tread hard upon the heels of a majority, are the best secret in the world for composing a ridiculous minority. In short, Lord Rockingham's and the Duke of Bedford's parties, who could not have failed to quarrel if they had come into place together, are determined at least to have their quarrel, if they cannot have their places.[2]

To the members of the Bloomsbury Gang, who always preferred the flesh pots of Egypt to the glories of patriotic opposition, their long period of disfavor at court had proved excessively irksome; and this was particularly the case now after the ministry had so successfully weathered the difficulties of the previous summer that the chance of driving them from office seemed most remote. The Bedfordites had come to the crossing of the roads and their choice at this moment would influence their whole future. Should they follow the road of opposition they could see no very bright prospect ahead of them. As long as the Duke of Bedford lived, they might hope to maintain the faction as a powerful political machine that must be reckoned with in any future effort to form a coalition; but their leader's health, since the tragic death of his son, had become noticeably weakened, and any day the place hunters whom he led might find themselves without the support of his powerful influence. To such men as Earl Gower, Lord Sandwich, Lord Weymouth, and Rigby, the road of opposition appeared to lead away from the sinecur-

[2] Walpole, *Letters*, vol. v, 73. The whole letter is worth reading in this connection.

ists' beds of ease and so they determined to forego the pleasures of criticizing government, provided offices could be obtained for them.

Yet there were many obstacles to be overcome before they could be admitted to the closet. The king had never forgiven them for their attempt to "take him captive" in 1765, nor could he easily forget their arrogant demand, in 1763, for the exclusion of Lord Bute from his presence, nor their dismissal of Mr. Mackenzie from office two years later. The remembrance of these acts had caused the king to object to their admission to the ministry, when proposed by Lord Chatham and later by the Duke of Grafton.[3] The Bedfordites realized that they must make adequate submission to overcome this royal prejudice against them, and their longing for office made them willing to undergo any humiliation. Their first act, after opening negotiations with Grafton, was to free themselves from their understanding with the Grenvillites, who were more unpopular in the closet than themselves and whose well known hostility to the colonies would make them most uncongenial colleagues to the ministry.[4] Having thus separated themselves from entangling alliances, it was an easy matter to come to terms, particularly as certain positions in the ministry were to be filled. The Earl of Northington had for some time expressed a desire to resign from presiding at the council and General Conway was anxious to lay down the northern secretaryship. With these two cabinet offices and some lesser positions the Bedfordites declared that they would be satisfied and pro-

[3] The first in the fall of 1766, the latter in 1767.

[4] The following volumes should be consulted for these negotiations under date of December, 1767, ff: Grafton, *Autobiography*; Walpole, *Memoirs of George III.*, and *Letters*; Grenville, *Papers*; Pitt, *Correspondence*; Fitzmaurice, *Life of Shelburne.*

posed Lord Gower and Lord Weymouth as their candidates. The king, having given up hope of securing the Old Whigs, agreed to accept their services; but he took occasion to warn the Duke of Grafton "against allowing their advice to be too prevalent."[5]

One condition that was made by the new allies was to be of the utmost importance for the colonies. They demanded that the office of secretaryship of the Southern Department be divided and a third secretaryship for the colonies created. Unquestionably this was done in the hope of removing from office Lord Shelburne, whom they cordially disliked and with whose American policy they were naturally not in sympathy. The proposal to divide this office had been frequently made. In 1751, and again in 1756, Lord Halifax had demanded that he be appointed a third secretary, but this step was opposed in the first instance by the king and in the second by Pitt.[6] The next attempt to bring about a division was towards the close of the Rockingham ministry when there was an unsuccessful movement started to create an independent position for Lord Dartmouth.[7] Lord Chatham had abolished in 1766 the division of authority which had existed between the southern secretary and the Board of Trade by concentrating all the power in the hands of the former. During the conferences of the summer of 1767 the idea of creating a third secretaryship was again discussed, and now upon the demand of the Bedfordites the Duke of Grafton was prepared to concede this change.

[5] Grafton, *Autobiography*, 183. On page 182 of the same appears a list of twelve Bedfords who were "to be noticed at the time or as soon as could be arranged."

[6] Dickerson, *American Colonial Government, 1696-1765*, 48-50. Pitt seems always to have opposed this division. See Dodington, *Diary*, 397; Grenville, *Papers*, vol. iv, 250.

[7] See vol. i, page 251.

Only after Grafton was assured of being able to satisfy the tempered greed of the Bloomsbury Gang did he approach Lord Shelburne on the subject of dividing the office.[8] The duke opened the conversation by asserting that the weakness of the ministry required him to accept support wherever he could find it. He then led up to the main point by remarking that the division of the duties of the southern secretaryship had been discussed in the conferences of the previous summer, and that he himself had always been in favor of such a reform, since no man could successfully attend to all the business of that department. Naturally Lord Shelburne was surprised and asked whether there was any objection to the manner in which he had conducted American affairs; but he was assured by the duke that the business was "very sufficiently and ably managed;" and on that very account he desired Lord Shelburne to undertake the new colonial office, since the Bedfords could not be trusted with it "on account of different principles."[9] Lord Shelburne was so angered at this proposal to divide his office that he would have resigned had not his sense of duty to Lord Chatham prevented such an act. He took the subject, therefore, under consideration, writing meanwhile to Lady Chatham in the hope of obtaining some advice from his chief. Since

[8] Lord Shelburne's notes of this interesting conference are printed in full in Fitzmaurice, *Life of Shelburne*, vol. i, 327 ff.; another account written to Lady Chatham is in Pitt, *Correspondence*, vol. iii, 292 ff. The date is fixed as December 11, 1767 by the latter reference.

[9] Shelburne in his letter on the interview to Lady Chatham wrote: "The Duke of Grafton's idea was, that I should be secretary for America; for if the Duke of Bedford's friends and not Lord Rockingham's, should be the party that is taken in, it would be impossible, in his idea or in the Chancellor's, he was sure, to place any of the Bedford's there, on account of the difference of principles; besides, he was pleased to repeat in very obliging terms what he had said before as to its going very well at present under me, and for that reason he did not wish to alter it." – Pitt, *Correspondence*, vol. iii, 297.

this was not forthcoming, he determined to retain the Southern Department and permit another to organize the new office.

Who should be the new colonial secretary, now that Lord Shelburne had refused the position? Upon the choice of the man was to depend in great measure the future of Great Britain's colonial empire in America. The American issue ever since the repeal of the Stamp Act had become more and more vital; and at times it seemed as if on it alone the factions might be forced to a new alignment in which they would assume the form of true parties.[10] It would be manifestly contrary to the wishes of the king or the ministry, and even suicidal, to choose this important officer from the camp of Bedford or Grenville. On the other hand the addition of another Pittite to the cabinet, even if that connection had had a candidate, would have been displeasing to the new allies. Thus the choice was narrowed down to one faction, that of the court. There could, therefore, be but little hesitancy. With the exception of Halifax only one member of the king's followers had the requisite experience, Lord Hillsborough; and the fact that he had been indorsed by Lord Chatham and was not popular with the Bedfordites would only make his choice more acceptable.[11]

[10] America was an issue in the negotiations between the Rockinghams and the Bedford-Grenvilles in the summer. Writing from London, in August, 1767, Franklin states that the colonial policy "is now made one of the distinctions of parties here." – Franklin, *Writings* (ed. Smyth), vol. v, 41.

[11] He had been appointed president of the Board of Trade by Lord Chatham and then later was transferred to the office of postmaster. According to Lord Hillsborough's own statement, the Bedfords disliked his "coming into the Cabinet" at this time. "Knox Manuscripts," in Historical Manuscripts Commission, *Report on Manuscripts in various Collections*, vol. vi, 264. It is to be noticed that as another counterweight to the Bedfords, Dunning, a follower of Lord Shelburne, was made solicitor-general. See Walpole, *Memoirs of George III.*, vol. iii, 104.

The cabinet, the changes in which were consummated in January, 1768, was now composed of eleven officers. Seven of these were members of Chatham's faction, although on account of the sickness of their leader, they could muster only six votes; two belonged to the Bloomsbury Gang; and two were counted in the court faction.[12] Contemporary opinion was divided as to what the result of the new alliance would be. The Grenvillites, who were enraged at being deserted, were positive that their former allies had been bought by magnificent promises and would exercise the superior influence in the cabinet.[13] Horace Walpole, who had been informed by General Conway of every step in the negotiations, chuckled with joy as he wrote his friend, Sir Horace Mann, of the humiliation forced on the Bedfords by the ministry. "Mr. Conway was desirous of quitting the minute he could, but it was thought right, that as the Duke of Bedford had objected to him in the summer, they [the Bedfords] should be forced to swallow this submission of coming in under him – and they have swallowed it – and nobody doubted that they would. They have swallowed Lord Shelburne too, to whom they objected next, when they could not help stooping to Mr. Conway, but this was likewise denied; and they have again submitted."[14] Lord Lyttelton was

[12] The Pittites were the Earl of Chatham, Lord Camden, the Earl of Shelburne, the Duke of Grafton, Lord Granby, Sir Edward Hawke, and General Conway, who at the king's request still retained his seat; the Bedfordites were Earl Gower and Lord Weymouth; and the members of the court faction were Lord North and Lord Hillsborough. It is only by courtesy, however, that Camden, Grafton, and Conway were still counted Pittites, for they, during the next few years, seem almost adherents of the court. In Grafton's list of the cabinet, he omits the name of Hillsborough. See Grafton, *Autobiography*, 183.

[13] Grenville, *Papers*, vol. iv, 198, 200.

[14] Walpole, *Letters*, vol. v, 77. For the view of Junius, see Pitt, *Correspondence*, vol. iii, 302.

informed that "the Bedfordians had not treated with the Duke of Grafton upon any foot of equality, but had sworn allegiance to his Grace, and would be very good servants."[15] The king himself viewed the new allies with suspicion and it was some time before "the engaging manners of the two lords [Gower and Weymouth] overcame by degrees all the prejudices there might have been against the whole party."[16]

From now on there is to be noticed a more rapid development of dissension and inefficiency in the cabinet itself due in part, no doubt, to the Duke of Grafton's own irregular habits, but much more to the attempted union of discordant elements which were incapable of harmony. As a letter-writer put it: the ministers continued "differing upon every subject upon which a difference is possible."[17] There must be added to these causes the growing power of the king, whose personal faction had become more coherent and was rapidly increasing in numbers. The king had made his great experiment with a powerful prime minister in the Chatham ministry and it had failed. No wonder he was now "tired of change" as Lord Mansfield remarked,[18] and more and more attempted to direct affairs himself. The government by departments, which had become an accomplished fact during the illness of Lord Chatham, offered the means; all that the king found it necessary to do was to step into the place of his powerful minister and try to maintain a balance of power between the unruly factions. He discovered by this experiment that those were most tractable to his guidance who were

[15] Grenville, *Papers*, vol. iv, 251.

[16] Grafton, *Autobiography*, 183.

[17] Hamilton to Calcraft, July 20, 1768 in Pitt, *Correspondence*, vol. iii, 333, *footnote*. The whole series of letters from Hamilton presents a good picture of the distracted and disunited condition of the cabinet.

[18] Grenville, *Papers*, vol. iv, 239.

most desirous of holding office. Through force of circumstances and by means of his numerous following George III. now became the principal leader in the political game, and from this time must be dated that growing influence of the crown of which complaints became so loud.

The question naturally arises: was the addition of the Bedfords to the ministry brought about in order to defeat Lord Shelburne's western American policy or was it in any way connected with movements in the colonies that called for disciplinary measures? The narratives of events that have been preserved such as those of the Duke of Grafton and of Horace Walpole, both of which were based on ministerial information, prove that the contrary was true. In fact this particular accession to the ministry was fortuitous and unexpected, and the consequences of the change were unanticipated. In his interviews with Lord Shelburne the Duke of Grafton had urged the former to become colonial secretary; and, after failing in this, he attempted to persuade Lord Hillsborough to appoint Benjamin Franklin as his under-secretary. Lord North promised the latter a few months later "to find some way of making it worth your while" to stay in England.[19] It was the Bedford influence which defeated this move. Some of the Grenvillites, smarting under the humiliation of being deserted, believed that the Duke of Grafton had come to terms with the Bedfords on the American issue and that the latter would dictate the policy;[20]

[19] Franklin to his son, January 9, 1768 in Franklin, *Writings* (ed. Bigelow), vol. iv, 374; and same to same, July 2, 1768 in *idem*, vol. v, 16 ff.

[20] Grenville, *Papers*, vol. iv, 198. This was not the opinion of the author of "A Word at Parting," usually attributed to Lord Temple. He sarcastically writes: "The time, as well as the measure, is somewhat unfortunate. Have any steps been taken to vindicate and assert (or as your Grace would now say) to maintain and support the sovereignty of Great Britain over America?" – *Idem*, 202, *footnote*.

but again the *Autobiography* of Grafton proves that this belief was not true although the chief minister did come to lean to the side of the two Bedford lords. As the later narrative will show the Bedford influence on American affairs was to increase as the years passed until its baneful results were fully accomplished, but this was not a predetermined consequence due to either the king or the Duke of Grafton, for they both attempted to build up a protection against that rapacious crowd of politicians, whose aims and methods they had learned to fear.

Of greater immediate importance to America were the character and policies of the new secretary of state for the colonies. The attitude of Lord Hillsborough towards America was at this time somewhat problematical. The idea of the Duke of Grafton when he made the appointment was probably expressed succinctly by Lord Lyttelton in writing of the future policy: "They [the ministers] were trying (if possible) to find a medium between the violence of George Grenville and the madness of Lord Chatham."[21] To serve as this medium, Lord Hillsborough was chosen. Grafton had every reason to believe that he had secured a man of temperate mind. Grenville, himself, who knew the new secretary intimately, was very uncertain what measures the latter would adopt; and Benjamin Franklin wrote that he did not think him "in general an enemy to America."[22] This latter negative statement in all probability expresses with some degree of accuracy the attitude of Hillsborough's mind toward the colonies at the moment of his appointment. He had urged

[21] Lyttelton to Temple, January 1, 1768 in Grenville, *Papers*, vol. iv, 250.

[22] Grenville to Trevor, December 31, 1767 in Grenville, *Papers*, vol. iv, 206; Franklin to Galloway, January 9, 1768 in Franklin, *Works* (ed. Bigelow), vol. viii, 376.

George Grenville not to pass the Stamp Act and had later voted for the repeal, though he always esteemed its author as both a friend and a statesman;[22a] he had taken the presidency of the Board of Trade under Lord Shelburne and was now ready to undertake the administration of colonial affairs with colleagues who were followers of Lord Chatham.

This accession gave the ministry much greater strength in Parliament than they had previously possessed. The Bedfords controlled many votes in the Commons, but their greatest strength was in the upper chamber where additional votes were greatly needed. Could the Duke of Grafton keep his cabinet united, he had little to fear, for safe majorities were assured; and in the approaching election the administration would be in a position to increase their majority. From his viewpoint the chief minister could congratulate himself: his ministry would obtain all the support of the Bedford interest, while the policies of the government would be shaped by the conservative members of the Pittites working in harmony with Lord North and the colonial secretary; thus he might well hope that a medium had been found between the radicalism of Lord Shelburne and the reactionary principles of the Bloomsbury Gang; but in these dreams of the future he was forgetting the weaknesses of his own nature which more than once furnished a target for the caustic satire of Junius. Concerning this new alliance Junius wrote:

> The Duke of Grafton has always some excellent reason for deserting his friends. The age and incapacity of Lord Chatham; the debility of Lord Rockingham; or the infamy of Mr. Wilkes. There was a time indeed when he did not appear to be quite so

[22a] This is based on a report of a speech made by Hillsborough. "W. S. Johnson's Letters," in Massachusetts Historical Society, *Collections*, fifth ser., vol. ix, 306.

well acquainted, or so violently offended with the infirmities of his friends. But now I confess they are not ill exchanged for the youthful, vigorous virtue of the Duke of Bedford; the firmness of General Conway; the blunt, or if I may call it, the awkward integrity of Mr. Rigby, and the spotless morality of Lord Sandwich.[23]

The letter of October 5 in which Lord Shelburne recommended for consideration his plan for the organization of western America was still unanswered by the Lords of Trade. Had not their habit of procrastination delayed their answer, they would naturally have waited, as they did, until after the reconstruction of the ministry, in order to see what influence was to dominate the colonies. When the office of colonial secretary was created, no change in the personnel of the Board of Trade was made; Lord Clare who had expressed his approval of parts of Shelburne's policy, still retained the position of president.[24] It will be remembered that he was a moderate expansionist believing that a colony at the mouth of the Ohio would be useful to the mother country, but seeing little value in the one proposed for Detroit.[25] His position gave him, however, very little weight in the councils of the cabinet of which he was not a member; and without doubt the next move in the western policy should be credited to the new secretary.

Although the measures proposed by Lord Shelburne may appear to be statesmanlike, still there were many objections that could be made to them. The fault which would seem to Hillsborough to be the gravest was as a

[23] Woodfall, *Junius*, vol. i, 160. This particular passage is from a letter signed Philo-junius, but was written by Junius himself.

[24] In June of this year Lord Clare was removed, and Lord Hillsborough was instructed to attend regularly the meeting of the board. From that time, the two offices which had governed America were completely united. See Franklin, *Writings* (ed. Smyth), vol. v, 147. There are printed in Woodfall, *Junius* [vol. iii, 63 ff.], three letters on the subject of the change.

[25] See vol. i, page 352.

matter of fact open to the severest criticism and, had the plan been inaugurated, would in all probability have been the cause of its failure. The establishment of three colonies in the far West in defiance of the rights of the natives could not have been accomplished without another Indian war. Lord Hillsborough had been president of the Board of Trade when the news of the Conspiracy of Pontiac was being brought in by every ship from America and had learned to respect the force of the savages' retaliation. In his fear of this outcome he was supported by no less an authority on western affairs than Sir William Johnson, one of the proprietors in the company that wished to exploit the Illinois country. In an intimate letter to Gage, on February 18, 1768, wherein he dwelt at length on his fears of a general Indian uprising, he used these significant words: "I wish the establishments of the governments you mention may not make things much worse, as I have reasons to fear they will. I have often observed that nothing of that kind could be undertaken, with due regard to policy until all prejudices are removed, a firm tranquillity established and the Indians previously consulted thereon. The very report of the intended colony on Ohio advertised by Lieut. Webb, was made a considerable cause of the late Indian War, and the Indians have already heard of these intended governments under the most unfavorable circumstances."[26] Lord Shelburne's plan was based on a foresight of what was inevitably to take place, the rapid encroachment upon the Indians' lands by the whites, the resultant bloody conflicts, and the final displacement of the weaker race. This harsh condition the British ministries

[26] *Johnson Manuscripts*, vol. xvi, 21. The new colony advertised by Lieutenant Webb was that of New Wales.

as a rule have wished to ameliorate; and in later years in Canadian territory, where there was not the same irresistible westward march of settlers, they did so regulate the relations of the Indians and whites that justice towards the former has been made the rule. Lord Hillsborough in drafting his plan for the regulation of Indian affairs in 1764 had this thought in mind; and a later ministry was to attempt to use his plan as a basis for the Indian policy to be followed in that territory which remained under British dominion after the successful revolt of the American colonies.

Another objection to the plan was that it would decide the questions of the colonial claims to the West, particularly those of the colonies of Massachusetts, Connecticut, and Virginia, from which there might be expected an outcry, that would no doubt reach the sympathetic ears of those tender hearted politicians who had been so solicitous of the charter rights of the East India Company. It would require a boldness not possessed by the colleagues of Grafton to risk another issue over vested interests.

Of more direct influence on the final decision concerning the western policy were certain financial considerations of great moment. Both in England and America many business firms were engaged, as has been seen, in the fur trade which depended on preserving the conditions prevailing in the wilderness and on protecting the Indians in their rights of occupation. By 1768 it had become very evident that Scotch merchants were destined to engross the trade of the province of Quebec and the territory dependent on it. On account of that organization of the Scotch members in Parliament who, as was pointed out in the first chapter, were so well trained that they voted unanimously for the min-

istry, they were an important political factor, wielding an influence out of proportion to their numbers. Their interest in the fur trade at this time and as late as the War of 1812 was very influential on the ministerial policy towards the Great Lakes region.[27] Another group of men were equally opposed to the opening of the West. Many noblemen and business men had invested heavily in colonial lands east of the mountains; and these, whether they lived in England or the colonies, feared that the fertile lands of the Ohio would not only attract new emigrants but also old settlers, with the result that their lands would not increase in value as rapidly as they had expected.

The influence of these considerations scarcely needed the better known objections to inland territories to cause Lord Hillsborough and others like him to reject Lord Shelburne's plan as radical, hasty, and dangerous. To them it appeared to recommend the cutting of several Gordian knots, and the average British politician of the eighteenth century was not partial to such drastic measures. To do nothing or as little as possible was the favorite motto. Stand-pat Whiggism had become an acquired, almost a transmitted, characteristic. Lord Hillsborough's real opinion in regard to the West at this time or at any other is difficult to discover; but

[27] The question of Scotch influence on the policy towards Canada will be again discussed in the chapter on the Quebec Act [page 243], but even there the proof to be offered leads only to an hypothesis; yet from a rather intimate knowledge of the fur trade in the Old Northwest I am convinced that this Scotch influence was a very real factor in shaping British policy towards that region for over fifty years. In 1768, Sir Lawrence Dundas, whose political power with the Scotch was great, was an ally of the Bedfords and exercised an influence on the ministerial action. See Walpole, *Memoirs of George III.*, vol. iii, 163, 214, 242. In 1776, Colonel Guy Johnson attributed the action of the ministry in 1768 in giving up the imperial management of the fur trade to the influence of some traders. See New York *Colonial Documents*, vol. viii, 655.

Franklin by the spring of 1768 had come to believe that the new colonial secretary was in favor of the adoption of Lord Barrington's plan.[28]

The reorganization of the ministry had certainly made it more conservative, but its composition was not yet reactionary, so that the issue raised by Lord Shelburne was sure to receive a careful, if not sympathetic, consideration. The Board of Trade's report reflected exactly the compromising spirit that inevitably characterizes an administration of such disunited factions. On March 7, 1768, this report was ready for the Privy Council.[29] It discussed at length the three phases of the western problem as laid before them in Lord Shelburne's communication: "First, the present civil establishment regarding the Indians; secondly, the disposition of the troops for Indian purposes; and lastly, the establishment of certain new colonies."

In regard to the present establishment of the Indian Department, the Lords of Trade were of the opinion that there were certain very important measures which would always require the oversight of imperial officers. Such, for instance, was the purchase of land from the aborigines, in which business the king "as Lord of the soil of all ungranted lands which the Indians may be inclined to give up, is deeply and immediately concerned." In this connection the report described the Indian boundary line, part of which had already been surveyed and part of which was soon to be established by treaty; and it was urged that care be taken "that the

[28] Franklin to his son, March 13, 1768 in Franklin, *Writings* (ed. Smyth), vol. v, 113. Franklin was probably correct in the main, but there are reasons to believe that Hillsborough had not so early adopted such a reactionary policy. These will be discussed later.

[29] Public Record Office, *Colonial Office Papers*, 5.69, p. 119. This important report, incorrectly dated, is printed in the New York *Colonial Documents*, vol. viii, 19 ff.

agreement for a boundary line be left open to such alterations," as the mutual advantages of both parties may demand. For this purpose and for the general oversight of the Indian political relations, the report recommended the maintenance of the offices of Indian superintendents.

The Lords of Trade were of the opinion that the plan for the organization of trade which had been recommended in 1764 was not feasible, because one general plan was not suitable to all the Indian tribes and because it placed too great an expense upon the empire. They, therefore, recommended that hereafter the trade should be returned to the management of the colonies thus accepting one phase of Shelburne's policy.

When the report reached the question of garrisons in the West, the following principle was laid down, "that it will be in the highest degree expedient to reduce all such posts in the interior country, as are not immediately subservient to the protection of the Indian commerce and to the defeating of French and Spanish machinations among the Indians, or which, although in some degree useful for these purposes cannot be maintained but at an expence disproportioned to the degree of their utility." Concerning the protection of the West from foreign foes, the Lords of Trade refused to make recommendations since that duty belonged to the secretary at war; but in the matter of protecting trade they felt themselves qualified to speak. Three districts were distinguished; first the Southwest, where the character of the trade, which was not conducted on rivers and lakes, made it useless to attempt any control by forts and garrison; second, the Iroquois territory wherein there were no encroachments by the Spanish and French, and so no need of troops; and third, the far

West and the Great Lakes region, where there was need of forts at Detroit, Michillimackinac, and Niagara. These three forts, therefore, were the only ones which were required to secure the trading rights of Great Britain; all others unless Lord Barrington, secretary at war, should decide differently, could be abandoned.

The last subject treated in the report was the proposal to erect new colonies in the western country. The Board of Trade understood the full significance of this and wrote:

> Yet as it does appear both from the nature of the arguments in favor of this measure contained in some of the papers, and from the manner in which others have been explained by the authors of the proposals themselves, that they are meant to support the utility of colonizing in the interior country, as a general principle of policy; and that in fact they have nothing less in view, than the entire possession and peopling of all that country, which has communications with the Rivers Mississippi and St. Lawrence, it does in our humble opinion open a much wider field of discussion, than might at first glance seem to be necessary.
>
> The proposition of forming inland colonies in America is, we humbly conceive entirely new; it adopts principles, in respect to American settlements different from what has hitherto been the policy of this kingdom; and leads to a system which, if pursued through all its consequences, is in the present state of this country of the greatest importance.

The report goes on to state that the great object, pursued by Great Britain, in colonizing North America has been to extend her "commerce, navigation and manufactures;" and that for this purpose there have been encouraged the fisheries, growth and culture of naval stores and raw materials, and the collection of lumber and other products for the West Indies, which advantages have been promoted by confining the colonies to the seacoast. In this summary of the past British policy the Board of Trade completely ignored the histori-

cal fact that the issue of western colonization had never been raised until a few years before the last war and that, when France was claiming the interior, Virginia was certainly encouraged to plant settlements west of the mountains.

It will not be worth while to follow the arguments of the report against the "new proposition," since they are the same as have been already indicated; but the reader will find them set forth in this report which commands respect as one of the ablest and most interesting state papers on the western problem. One point should, however, be noticed; the Lords of Trade were not deceived by some of the specious arguments of Lord Shelburne and his associates, such as the assertion that the fur trade would be increased by the establishment of colonies, for they saw clearly that the colonization of the West would mean the final death of that industry.

This report holds the middle position between the two extremists, Lord Barrington and Lord Shelburne. Although the plan of colonization of the latter was rejected, care was taken not to accept the reactionary principles of the former; and, therefore, Franklin may be incorrect about Hillsborough favoring the more reactionary program. The principle laid down by the expansionists that land for new settlements must be provided in order to prevent the development of manufacturers was found acceptable; and it was pointed out that in running the Indian boundary line the opportunity "of gradually extending themselves, backwards, will more effectually and beneficially answer the object of encouraging population and consumption, than the erection of new governments. Such gradual extension, might, through the medium of a continued population, upon even the same extent of territory, preserve a com-

munication of mutual commercial benefits between its extremist parts and Great Britain, impossible to exist in colonies separated by immense tracts of unpeopled desart." When this land opened for settlement became occupied, the superintendents were to choose the next most available territory to be purchased from the Indians. Thus the empire would control the movement of the frontier population and direct its westward advance.

This report was taken under advisement, on March 18, by the cabinet.[30] There were present the two Bedfordites and Lord Hillsborough all of whom would be in favor of the report, since it embodied no radical principles and rejected those measures which all three of these ministers had favored in 1763-1765 only because experience seemed to prove that such regulations could not be successfully put in execution. Since there were only four other ministers present, all Pittites, there was need of winning one vote to have a majority in favor of conservative measures. Lord Shelburne may be immediately put down as against the report. That leaves the deciding vote to Lord Camden, the Duke of Grafton, and General Conway, all of whom may have voted with the Bedfords, but probably Lord Shelburne in his opposition received the support of one or two.[31]

[30] Public Record Office, *Colonial Office Papers*, 5.1088, p. 156.

[31] Speculation in regard to the votes of the three yields nothing certain, but possibly the author's guess may be of interest. The Duke of Grafton had expressed himself as decidedly in favor of Lord Shelburne's policy in the previous December, but since then he had identified himself more and more with the Bedfords and was hostile to the former southern secretary. See Grenville, *Papers*, vol. iv, 246. He probably voted for the report. General Conway had not been in favor of western settlement when he was in the Rockingham ministry, but in the summer of 1767 he had been won over by Franklin. In which direction his unstable mind turned at this time it is difficult to guess, but on account of his dislike of the Bedfords he may have voted with Shelburne. As will be seen Lord Camden later favored a certain

The final decision of the cabinet did not follow the report of the Board of Trade in every particular. The opinion of the members of the administration was that forts at Detroit, Michillimackinac, Niagara, either Ticonderoga or Crown Point, Pittsburgh and in the Illinois country should be garrisoned, and that it should be left to General Gage to determine whether to maintain or to abandon the others. They accepted at the same meeting the disposition of the troops as proposed by the general for the year with the exception of such changes as the abandonment of the forts might entail and of the destination of the regiment intended for West Florida; it was now to be removed to East Florida.[32] The ministers authorized the running of the boundary line, the transference of the regulation of the Indian trade to the colonies, and the retention of the offices of superintendents.

There has been some speculation among historians regarding ministerial consistency towards the West during the years from 1763 to 1774. Manifestly there could be but little consistency from such combinations of diverse elements as were the administrations of George III.; still in this first decisive action since the proclamation of 1763, there is not shown a complete break with the past policy. As far as the question of expansion and the establishment of limits between the Indians' hunting-grounds and the white settlements are

amount of westward expansion and it is likely that he also voted with Shelburne.

[32] The disposition of troops at this time was, according to General Gage's report on April 3, 1767 [*Lansdowne Manuscripts*, vol. ii, 77], four regiments in Quebec; one on the lakes; two in Nova Scotia and Newfoundland; one in West Florida; two in East Florida, Georgia, and South Carolina; one in the Illinois and Ohio (Fort Pitt); four in the eastern settlements. A more detailed account is found in Public Record Office, *Colonial Office Papers*, 5.85, p. 155. This is printed in Alvord and Carter, *The new Régime* [Illinois *Historical Collections*, vol. xi], 551.

concerned, there was a surprising continuity. George Grenville recognized this and looked upon the running of the boundary line with its implied regulation of westward settlement as only the completion of the policy of his ministry.[33] The other phases of the policy of 1768 differed very markedly from the earlier. It had been the intention of the Grenville-Bedford administration to imperialize all the relations with the Indians. This plan was now abandoned. The management of the trade was turned over to the colonies, and the troops were no longer distributed throughout the West for the express purpose of promoting the imperial management of that territory and of its wild inhabitants. Moreover, the concentration of the troops at strategic points in the East proves that their value as a means to overawe the colonies—a value hardly considered in 1763—was estimated by the ministry as of growing importance. The burden of imperial expense and the increasing restlessness of the colonies under the obligations of the empire were bearing fruit. Unfortunately the increasing belief in Great Britain that the colonies were drifting towards independence was to have its influence more and more on the western policy. Lord Shelburne's proposal was the last earnest effort made to avoid by the utilization of the natural laws of development the approaching war for independence; and from now on, in spite of opposition, the retaliatory views of the Bedfordites became of greater influence with the king, ministry, and Parliament, until they produced their inevitable result.

[33] See discussion of Grenville's attitude towards western expansion, vol. i, 179.

## II. THE NEW POLICY IN THE FAR WEST

*Indians have been named; and a foreign enemy has been named. I think the distribution of your troops absurd. You have but two frontiers, Mississippi and St. Laurence; and them, you have left defenseless. There is hardly a place of defense upon the left bank of the Mississippi.* – COLONEL BARRÉ.

The comprehensive character of the western American problem has made it possible hitherto to trace the development of the policy for the Mississippi Valley and at the same time to narrate the intricate changes within the British ministries; but after the decision of March, 1768, the relation between British politics and the West ceased to be closely interwoven; and the dual narrative can no longer be written with that fullness that has been possible up to that point. After the passage of the Stamp Act the issue over the relation of the colonies to the empire grew more and more acute, occupied more completely the attention of the administration, and with every year was discussed by both sides with greater acrimony, until the principle of raising a fund for the maintenance of the proper machinery of imperial government – a principle from which sprang the motive for the enactment of the various Grenville acts and the excuse for the taxes proposed by Charles Townshend – was completely buried under the weighty arguments of the controversalists. In its stead the demand for disciplinary measures by the British politicians grew in strength, and with this the desire to exhibit to the colonists a perpetual memorial of the power

and right of the empire over them. The earlier tax measures could be defended on the ground of administrative needs; but the decision to retain the tax on tea had no such excuse. From the time of this latter decision, moreover, until the outbreak of war the tendency of the imperial administration, in spite of saner counsels from many politicians of the inner circle, was to pass from moderate to more severe measures until the promulgation of the punitive laws of the spring of 1774 aroused the Americans to acts of rebellion. A more or less theoretical problem of imperial rights had thus supplanted the concrete administrative issues of the new acquisitions.

The British ministry looked upon the western problem during the years after 1768 as practically settled, and for that reason there was relatively little discussion of its various phases: the far West beyond the Indian boundary line was to be maintained temporarily as a vast reservation for the aborigines, and the near West, the upper Ohio Valley, was supposedly opened by the establishment of the Indian boundary line to immediate settlement. Only twice did this transmontane region rise again to the dignity of a ministerial issue. In 1772 the question of the colonization of the territory in the western parts of Virginia became so vital that it nearly disrupted the administration and forced the resignation of an important minister. By the year 1774 it had become evident to British politicians that the decisions of 1768 had not procured the rule of law in the West; the whole question was, therefore, reopened; and a new decision was reached in the Quebec Act.

The fluctuation in opinion concerning the West within the political circles of Great Britain was no longer so evident as during the preceding period. The era of

rapidly changing administrations had passed, and no new coalitions of factions occurred to trouble the political waters of the time. There were, of course, changes in the personnel of the governing body, but these effected only a gradual transformation of character in the administration and were not similar to those violent cataclysms so frequent in the earlier years of the reign. One such change occurred in 1768. The Townshend taxes had aroused in the colonies a spirit of protest that appeared to some of the ministry to be rebellion and to justify them in proposing and supporting coercive measures. In the discussions of these the Bedford lords, who exercised an ascendency over both the king and the Duke of Grafton, took the lead; and the retaliatory policy toward America, which they urged upon their colleagues, proved to be acceptable to the majority of administration. Lord Shelburne made valiant efforts to stem the tide of political opinion, but it was in vain. He had become so out of sympathy with the policies of his colleagues that he refrained from attending the cabinet meetings. In consequence of his opposition his influence waned to such an extent that the Bloomsbury Gang grew bold in their demands for his removal. Chatham was still sick, why should his follower be retained? Both the king and Grafton were united in this opinion and only waited a favorable moment to dismiss the secretary.[34] The decision of the majority of the cabinet during the summer of 1768 to employ punitive measures against the rebellious colony of Massachusetts offered the expected opportunity; Shelburne's opposition offered the excuse. On October 5, Grafton wrote to Chatham demanding the dismissal of the recalcitrant minister. The die was cast and the

[34] Grafton, *Autobiography*, 215; Grenville, *Papers*, vol. iv, 359, 364.

metamorphosis which had gradually taken place in the government was now to be announced in no uncertain manner to the public.

The threat against his follower and only true representative aroused Lord Chatham to energy, and he resigned in October, thus withdrawing the glamour of his name from a political ring which had long ceased to promote his policies. His resignation was followed by Lord Shelburne's a few days later.[35] Thus was brought to an inglorious end the connection with the ministry of these two men upon whom had centered the inspired enthusiasm that had filled men's minds when they entered into office in 1766. Disappointed were their hopes of a reorganization of East India; their dream of a consolidation, reform, and development of the empire in America had come to naught; the vision of the Pittites had proved to be merely a mirage, exciting in men ideals not to be realized. The Duke of Grafton believed until his death that the failure of the ministry had been due solely to the enforced absence of the prime minister. In his memoirs, written thirty-seven years afterwards, he has recorded his mature judgment upon the events that ended in the resignation of his chief.

> I shall ever consider Lord Chatham's long illness, together with his resignation, as the most unhappy event that could have befallen our political state. Without entering into many other consequences at that time, which called for his assistance; I must think that the separation from America might have been avoided.[36]

The two positions in the cabinet left vacant caused some readjustments, but the fear of the Bedfordites'

[35] Fitzmaurice, *Life of Shelburne*, vol. i, chap. x; on the resignation, *idem*, 387, 398; Grafton, *Autobiography*, 212 ff.

[36] Grafton, *Autobiography*, 225.

ambitions was still strong, and care was again taken not to increase their influence. Lord Bristol, who had been up to this time a faithful Pittite, was appointed to the position of privy seal without a seat in the cabinet.[37] Lord Weymouth was transferred to the office of southern secretary, and Lord Rochford, who was an independent Whig, succeeded him.[38] Although the latter entered the cabinet as an unattached politician, he soon joined himself to the anti-Pittite forces so that Grafton's influence in governmental matters was considerably weakened by the change. Some insight into the alignment of the members of the cabinet and of their attitude toward American questions in general is afforded by the vote on Grafton's proposal to repeal all the taxes imposed by the Townshend Act. This was debated in a cabinet meeting of nine members on May 1, 1769.[39] The issue was made over the retention of the tax on tea as a mark of British sovereignty. The two Bedford lords, the two members of the court faction, and Lord Rochford voted in the affirmative, while the four Pittites stood out for a complete repeal of the act.

By the beginning of 1770 the situation in the ministry became unbearable even for the easy-going principal minister, the Duke of Grafton, and he resigned in January. His successor was Lord North, a Tory by tradition, who had been brought into political prominence by the Duke of Newcastle. North had been court-

[37] Grafton, *Autobiography*, 226; Pitt, *Correspondence*, vol. iii, 347, 348.

[38] Grafton, *Autobiography*, 226; Walpole, *Memoirs of George III.*, vol. iii, 167. On the character of Lord Rochford see Woodfall, *Junius*, vol. iii, 177. His independent position is proved by a contemporary letter by Newcastle quoted in Winstanley, *Lord Chatham and the Whig Opposition*, 236, *footnote* 1.

[39] Grafton, *Autobiography*, 229 ff. Sir Edward Hawke, a Pittite, was absent. For a further discussion of this vote see *Parliamentary History*, vol. xviii, 1247, 1267.

ed by all factions. He was a loyal follower of the king, had been asked to join the Rockingham administration, and had served as chancellor of the exchequer under Chatham and Grafton. His personality was lovable, his wit keen and appreciated even by his enemies. During a long period of service he proved himself an able parliamentarian and gradually built up a large and faithful majority for his administration. This was accomplished not so much by increasing the strength of the court faction as by developing a group of politicians who looked to himself for rewards. By the close of the American Revolution his faction recruited from all sides, was one of the strongest in Parliament. Towards King George III. North showed great deference and was able to indulge his master in those petty employments in government that were so pleasing to the royal mind. The principal minister yielded also to the stubbornness that was a marked characteristic of George III. and was induced to promote many measures, particularly colonial, that went contrary to his own opinion.[40] In this North was acting in accord with his inbred principles, for he was a Tory both by family connection and tendencies of mind. He once boasted in Parliament that during the previous seven years he had never given his support to any of the popular measures.[41]

Lord North's ministry was at the time of its first formation composed of members of the court faction, of the administrative Pittites, and of the Bedfordites; in January, 1771 the Grenvillites joined it. That latter

[40] North was not himself a factor in the development of a western colonial policy. For this sketch see, Lucas, *Lord North, passim; Dictionary of National Biography*, art. "Lord North;" George III., *Correspondence with Lord North* (ed. Donne); Winstanley, *Lord Chatham and the Whig Opposition*, 185-186, 321-324; Almon, *Anecdotes of William Pitt*, vol. ii, 79, *footnote*.

[41] Winstanley, *Lord Chatham and the Whig Opposition*, 324.

faction lost much of its influence in 1770 through the death of George Grenville, without whose strong personality to hold them together the members could look only with gloomy forebodings into the future. They had been fighting as a unit for office; but the abilities of their new leader, Lord Suffolk, gave little promise of winning rewards by the road of opposition; and so the Grenvillites determined to forego the posthumous glories of opposition and to participate immediately in the delights of office which their former allies, the Bedfordites, had enjoyed for three years.

Superficially examined the administration as now composed seemed to be the practical fulfillment of the ideal of Bolingbroke, a "broad bottom" ministry wherein every faction except the Old Whigs was represented by important members.[42] A practical and a good workable machine for parliamentary vote-getting it certainly was, but in no way did it represent Bolingbroke's

[42] The principal officers of state in June, 1771, were as follows – court faction: Lord North, first lord of the treasury and chancellor of the exchequer; Lord Rochford, northern secretary of state; Lord Hillsborough, colonial secretary; Baron Apsley, lord chancellor; Lord Barrington, secretary at war. Bedfordites: Lord Gower, lord president; Lord Sandwich, first lord of the admiralty; Thurlow, attorney-general. Grenvillites: Lord Suffolk, southern secretary of state; Wedderburn, solicitor-general. Administration Pittites: Duke of Grafton, privy seal (without a seat in the cabinet); Marquis of Granby, commander-in-chief. The cabinet was composed of four members of the court faction: North, Rochford, Hillsborough, Apsley; two Bedfordites, Gower, Sandwich; one Grenvillite, Suffolk; one Pittite, Granby. The North ministry has been regarded by historians as purely Tory in character, and in political opinion, its members were undoubtedly conservative and even reactionary; but so also were many members of the opposition, many of whom came to form the bulwark of the new Tory Party when it was formed. Of the North ministry there were only two, North and Gower, who by descent and tradition belonged to the old Tory Party; and these had established for so long a time Whig affiliations, that their origins were practically forgotten. North was brought into prominence by the Duke of Newcastle, had been sought as a colleague by the Rockingham Whigs in 1766, and had joined the Chatham ministry; and Gower had been for years connected with the Bedfordites.

ideal. Instead of being composed of men selected for their honesty of purpose, their integrity, and their fitness for office, these men had been chosen because they each represented so many votes in Parliament. The system brought into the office of paymaster such a notorious peculator as Richard Rigby and into the war office the incompetent Lord Barrington. Nor were they all inspired by the same political principles. The Bedfordites and the court faction had always stood at the opposite poles in almost all imperial questions and in home affairs were extremely jealous of each other. With neither of these factions had the Pittites been able to work in perfect harmony.

Divided as the members of the administration were in ideals and purposes their union would have resulted in an unworkable administration, had not the system of separate departments been fully developed. As Wraxall says: the principal minister did not "sufficiently coerce the other members of the Cabinet; each of whom, under Lord North, might be said to form a sort of independent department. They were, in fact, rather his coequals, than his subordinates, as they ought to have been; and the public service often suffered from their want of union, or from their clashing interests, and private animosities."[43] Lord North was in no sense responsible for the development of this condition, which had grown up during the period that Lord Chatham, though sick, was supposed to be at the head of the government;[44] but no excuse can be made for North's weakness in accepting conditions which imposed on

[43] Wraxall, *Memoirs*, vol. i, 372, 403.

[44] North told Fox in 1782 that government by departments was an evil. "There should be one man, or a cabinet, to govern the whole and direct every measure."—*Memorials of Fox*, vol. ii, 37, quoted in Rose, *William Pitt*, vol. i, 118.

the empire an incompetent and disunited administration during the most critical period of the American Revolution.

The largest number of votes in Parliament was furnished by the court faction and for that reason the king was enabled to impose his will upon this ministry more frequently than upon its predecessors; still the Bedfordites were almost equally strong, after their former allies, the Grenvillites, joined them; and their wishes and desires often shaped the measures supported by the coalition, particularly those affecting the American colonies. The king had, however, never forgotten their acts of earlier years and always had the fear of their ambition in his mind. In this fear he was justified: Lord Gower had his eye on the position of chief minister and was seeking to undermine Lord North's influence, in which he might have been successful but for the confidence which the latter had inspired in the royal breast; Lord Sandwich, who was a skilful architect of political machines, had constructed a smoothly working system in the East India Company, and through the power of dispensing innumerable offices in that wealthy corporation exercised a power which neither the king nor his minister could shake; both Gower and Sandwich found an able lieutenant in Richard Rigby, who enjoyed the remunerative office of paymaster and was the arch plotter and "grafter" of the Bloomsbury Gang.[45]

The opposition was able to make but little headway against a coalition so strongly entrenched. While George Grenville lived, the union, composed of his followers, the opposition Pittites, and the Old Whigs of-

[45] "Knox Manuscripts," in Historical Manuscripts Commission, *Report*, vol. vi, 254; Wraxall, *Memoirs, passim.*

fered a brave front; but the three factions disagreed on too many subjects to develop into a true opposition party until the vital issue of the American war had aroused the country. On the great questions of the colonies and the East India Company (the latter was a particular protegé of the Old Whigs) there was and could be no concerted action. After the desertion of the Grenvillites the opposition became so absurd that many, disappointed of gaining office, made their peace with the administration and accepted favors.[46] It was at this period that Horace Walpole wrote to his friend, Mann, that the opposition was in the "last state of consumption."[47]

Until August, 1772, Lord Hillsborough was the colonial secretary, and the development of departmental independence had advanced to such a stage that there was in most cases no interference with American affairs on the part of the other great officers of state, unless some financial interest arose. Still it must be remembered that this department was new and had not yet obtained a stability and independence comparable to that of either of the other two secretaryships. In particular the secretary of state for the Southern Department was disposed to look upon this new office with disfavor and some jealousy. The loss of American patronage was not to be despised. Lord Hillsborough was keenly alive to the limitations of his position, and upon his resignation in 1772 he strongly urged his successor to demand a position as independent and honorable as that of the first lord of the treasury.[48] Jeal-

[46] The most notable example of this was Lord Dartmouth, whose desertion of the Old Whigs will be discussed later; but many others followed his example.

[47] January 15, 1771, Walpole, *Letters*, vol. v, 278.

[48] Hillsborough to Dartmouth, August 8, 1772 in *Dartmouth Manuscripts*.

ousy, however, prevented any such development until after the outbreak of the Revolutionary War, when there was fulfilled that ominous prophecy of the Earl of Chesterfield which he made in 1772; "if we have no secretary of state with full and undisputed powers for America, in a few years we may as well have no America."[49]

It was under the administration of Lord Hillsborough that the new colonial policy was inaugurated, and he was to remain in office sufficient time to learn of the failure of this plan which he had been called upon to devise but which was so different in character from the ideal he had had in mind four years before. Still the best must be made of this compromise measure, and in letters dated April 15, 1768, the inutility of the existing system of British garrisons in the West and the advisability of promoting local autonomy were the points which were presented most emphatically to the colonial authorities.[50] In the discussion of the new policy in his letter to Gage, upon whom must devolve its inauguration, the secretary argued that the very attempt to guard the commercial interests in the far West through British forts and garrisons had involved the empire in an Indian war which might otherwise have been localized so that the burden would have fallen on the colonies. By such reasoning he justified the abandonment of the western forts: "It being evident, that

See on the subject of the colonial secretary, "Knox Manuscripts," in Historical Manuscripts Commission, *Report*, vol. vi, 256, where is the following: "A difficulty had formerly been made by Lord Weymouth of considering the American secretary as a secretary of state. Lord Hillsborough had never been so considered by the other secretaries; he was only held to be first lord of trade with seals and cabinet."

[49] Chesterfield to Dartmouth, August, 1772, in *Dartmouth Manuscripts*.

[50] British Museum, *Additional Manuscripts*, 21.673, f. 75. The letter to General Gage is in Public Record Office, *Colonial Office Papers*, 5.86, p. 73.

in proportion as the number of such posts is diminished, the necessity of carrying on an Indian War at the expense of this kingdom, will be the less, and the colonies themselves will be more attentive to their own security by adopting such of the regulations established under the present plan of superintendency, as have evidently operated to the benefit of the trade, and to the giving of that satisfaction and content to the Indians from which alone the colonies can hope to derive either immediate profit or lasting peace."

In his discussion of the abandonment of the forts, Lord Hillsborough requested Gage to report upon the situation in the far West and to point out what posts in his opinion should be fortified. He was instructed to maintain, in the meantime, garrisons at Fort de Chartres or at some other place in the Illinois country, at Pittsburgh, Niagara, Detroit, and Mackinac. Other forts were to be abandoned or to be handed over to the colonies. This arrangement would make it possible to concentrate the troops in the provinces of Quebec, Nova Scotia, East Florida,[51] and the middle colonies.

General Gage, who kept his fingers on the pulse of British political opinion, had read the symptoms aright; and he had already begun such preparations, even before the arrival of Hillsborough's orders, to curtail the expenses of the military establishment that he found it unnecessary to make many changes in the distribution of troops to satisfy the new requirements. The letter of Lord Hillsborough compelled him, however, to go over again his information concerning the Illinois country in order to weigh the advantage to be gained by trade against the great expense of a garrison in that distant land. He had been receiving from the officers

[51] West Florida was to be garrisoned from East Florida.

stationed at Fort de Chartres very interesting accounts of the conditions they found.[52] Naturally these differed according to the character and personal interests of the informant; but the general was now in a rather pessimistic mood and preferred the statements of those who told him that British goods were thirty per cent dearer on account of the cost of the long land carriage than the French goods brought from New Orleans, and that peltries received a higher price in the latter town than in the eastern ports.[53] He had also come to the conclusion that there was no possibility of preventing the introduction of foreign merchandise into the West and that, therefore, a post at the Illinois would not be "productive of advantages equal to the expense of supporting it."[54] Instead of garrisoning Fort de Chartres with British troops, he proposed gathering all the French inhabitants into one village where they could defend themselves by their own militia and govern themselves under some simple form of administration.[55]

In the general plan to remove the troops from the Mississippi Valley, those stationed in West Florida, with the exception of three companies, were included, but such a policy proved in the end to be inexpedient. A protest against such a course was immediately filed

[52] See particularly an account of the commerce in Public Record Office, *Colonial Office Papers*, 5.87, f. 67.

[53] On the trade situation see Carter, *Great Britain and the Illinois Country*, chapter v.

[54] Gage to Hillsborough, June 15, 1768, Public Record Office, *Colonial Office Papers*, 5.86, p. 209. Gage from now on was inclined to take the same position as Lord Barrington in regard to the Mississippi trade. On February 3, 1769, he wrote, after quoting a rather optimistic opinion of Lieutenant-colonel Wilkins, commanding in the Illinois: "Upon the whole, there is no good prospect that the commerce of the Mississippi will prove of much advantage to Great Britain." – *Idem*, 5.87, p. 143.

[55] This proposal remained without a definite answer for some time. See Hillsborough to Gage, March 24, 1769 in *idem*, 5.87, p. 155; also May 13, 1769 in *idem*, p. 179.

by the British merchants who traded in that colony, and this protest was later endorsed by the colonial assembly. By instructions dated February 4, 1769, Gage was commanded to maintain a regiment there; and at the end of the year the ministry became so frightened at the activities of the Spaniards across the river that the general was instructed to send still more troops to the colony and to repair the forts.[56] This latter, however, was not done.

Though the decisions of March, 1768, have all the appearance of finality, still in the mind of Hillsborough there lurked a doubt of the advisability of a complete abandonment of the far West. In a long letter to Gage on July 31, 1770, he returned to the subject and his discussion reveals the fact that the colonial secretary was still examining with some indications of an open mind the problem from every possible angle.[57] He was fully conscious that the commercial and military value of the lands on the Mississippi "was deserving the most serious attention;" but he also realized that there was great difficulty "in suggesting any proper plan for the improvement of them to these ends, that will not either be attended with an expence too heavy for the state to bear, or otherwise liable to very great objections." He then pointed out the value of establishing forts at the strategic points and of permitting a certain amount of coloniza-

[56] Hillsborough to Gage, December 10, 1768, February 4, and December 9, 1769 in Public Record Office, *Colonial Office Papers*, 5.86, p. 429; 5.87, pp. 151, 367; Chester to Hillsborough, December 24, 1771, Hillsborough to Chester, April 1, 1771 in *Secretary of States Letter Book A.* (Florida). This is a manuscript volume owned by Mr. H. S. Watson, Bloomington, Illinois.

[57] Public Record Office, *Colonial Office Papers*, 5.89, p. 199. The problem of the far West was also discussed by Hillsborough in a letter to Gage on March 27, 1769. See *idem*, 5.87, p. 155. He wrote that the question of the future of the Illinois country should be carefully considered "whether it is or not, capable of producing any real commercial advantage to this kingdom."

tion; "but," he wrote, "in a consideration of this nature, expence must and ought to have, from the circumstances of the state, a great weight in the scale of deliberation on the one hand, so on the other hand the seeking to avoid that expence by substituting a system erroneous in it's principles and prejudicial in its consequences, would be highly blameable."

Turning then to the objections to promoting even a moderate exploitation of the far West, he harked back to the principles of the report of March, 1768, which had set forth at length the mercantilists' ideas of the principal value of colonial possessions. In the light of what he regarded as the true principle of action, he was unable to recommend any change in the policy already determined upon. The region of the Illinois did furnish raw material in the form of peltries, but Hillsborough pointed out that so long as New Orleans remained in the hands of the Spaniards, "no one will believe that the town will not be the market for peltry, or that those restrictions, which are intended to secure the exportation of that commodity directly to Great Britain, can have any effect under such circumstances." In conclusion he recapitulated his reasons for not changing the policy already promulgated. "Forts and military establishments at the mouths of the Ohio and Illinois Rivers, admitting that they would be effectual to the attainment of the objects in view, would yet I fear be attended with an expence to this kingdom greatly disproportionate to the advantages proposed to be gained, and those objections to civil establishments, which I have above stated, do weigh so strongly against that measure in the scale both of general and local policy, as greatly to discourage the idea." Having thus set forth his opinion, he requested General Gage to write him fully

upon the subject and to suggest some possible solution of the problem.

To this letter General Gage made answer on November 10, 1770, in a long communication wherein he entered very fully into all plans of the far western problem "without regard," he wrote, "to any opinions I may have formed heretofore, which a further consideration, or longer experience shall have satisfied me to be erroneous."[58] His observation had led Gage to the belief that forts situated in the Indian country were of little value either as centers of commerce or as protection against Indian attacks. He pointed out that they "did not protect Pennsylvania and Virginia in the late Indian War; the savages fell upon, and destroyed many settlements in both those provinces." As a matter of fact, the nation which controlled the center of trade, whether the mouth of the Saint Lawrence or of the Mississippi, must control the country connected with that center; Detroit and Mackinac must have been delivered to Great Britain even had they not been included in the capitulation. Since such was the case, Gage argued that the back countries would be sufficiently protected by troops stationed at the mouths of the great avenues of commerce. Having become convinced of the soundness of this principle, Gage completely changed his opinion in regard to the need of promoting settlements and now looked upon it as "altogether inconsistent with sound policy, for there is little appearance that the advantages will arise from it, which nations expect, when they send out colonies into foreign countrys," such as the production of materials, except furs and skins, needed in Great Britain. Nor did he attach any weight to the argument that there was need of barrier provinces.

[58] Public Record Office, *Colonial Office Papers*, 5.88, p. 327.

"The pretence of forming barriers will have no end, wherever we settle, however remote, there must be a frontier, and there is room enough for the colonists to spread within our present limits, for a century to come." The inhabitants are always ready, he wrote, to remove to the back lands which are better, but "it is apparently most for the interest of Great Britain to confine the colonists on the side of the back-country and to direct their settlements along their sea-coasts; where millions of acres are yet uncultivated." Furthermore the pushing of settlements westward would be likely to bring on an Indian war. Gage closed this part of his argument with the following positive opinion:

> Let the savages enjoy their desarts in quiet; little bickerings that will unavoidably sometimes happen, may soon be accomodated. And I am of opinion independent of the motives of common justice and humanity, that the principles of interest and policy should induce us rather to protect, than molest them. Were they drove from their forrests, the peltry trade would decrease, and not impossible that worse savages would take refuge in them; for they might then become the azylum of fugitive negroes, and idle vagabonds, escaped from justice, who in time might become formidable, and subsist by rapine, and plundering the lower country.

The remainder of this long and important letter is a discussion of the fur trade as it appeared to General Gage at the time. He pointed out that the Canadian trade was becoming adjusted to the new conditions and would be carried exclusively to British posts. The trade along the Ohio was always conveyed down the Mississippi. Both the traders from Canada and those on the Ohio found formidable rivals in the French from the Spanish side of the river, and there was no means to prevent this. The idea which Gage had formerly entertained that the Iberville River could be utilized as a

channel to connect Mobile Bay with the Mississippi he now realized could not be carried out.

This letter from Gage was so completely in accord with Lord Hillsborough's own prepossessions that it fixed his opinion in regard to the far West. The failure to secure all the fur trade was, however, an evil that might be corrected, provided New Orleans was in the possession of Great Britain. When there arose the dispute with Spain over the Falkland Islands and war seemed to be inevitable, General Gage was ordered, in 1771, to make all preparations to attack this important post;[59] but, since the international difficulty was overcome by diplomacy, this method of solving the trade problem of the far West could not be utilized.

The danger of war being removed, the ideas of Gage and Hillsborough concerning this territory were accepted by the cabinet, and the former was commanded to demolish Fort de Chartres and Fort Pitt and to withdraw the troops.[60] The same policy did not appear applicable to the lake region and so the posts there continued to be garrisoned. Thus as far as the Ohio Valley and the territory contingent to it were concerned, the opinion of the inutility of imperial expense in the West, a view which had been so strongly urged by Lord Barrington and had formed the basis of Charles Townshend's colonial plan, was adopted; and the reasoning of Lord Shelburne that had prevailed in the spring of 1767 was completely repudiated. The decision to with-

[59] Hillsborough to Gage, January 2, 1771, Public Record Office, *Colonial Office Papers*, 5.89, p. 1; Gage to Hillsborough, April 2, 1771 in *idem*, 5.89, p. 183.

[60] Cabinet meeting, December 1, 1771, *Dartmouth Manuscripts*; Hillsborough to Gage, December 4, 1771 in Public Record Office, *Colonial Office Papers*, 5.90, p. 5. Fort de Chartres was accordingly abandoned and a few troops were stationed in Kaskaskia. See Gage to Hillsborough, September 2, 1772, in *idem*, p. 113.

draw the troops from the Illinois country was evidence that the plans and the hopes of the radical expansionists, who had urged the rapid establishment of colonies throughout the Mississippi Valley, would receive no encouragement from the colonial secretary and his colleagues. The realization of that picture of the western territory teeming with thriving towns and rich farms which the followers of George III. had painted in such glowing colors, when they were justifying the treaty of Paris in 1763, was to be indefinitely postponed.

This action by the ministry did not close the far West to exploitation of another character. The question of permitting the copper mines of the Lake Superior region to be worked by a British company came up several times during these years, when the administration seemed determined to prevent any settlement beyond the Indian boundary line; and, after consulting with General Gage and Sir William Johnson, the ministers were in favor of granting this permission under conditions that would prevent settlement and the monopolizing of the fur trade.[61]

The far West was thus erected by imperial instructions into a great Indian reservation, where the land was to remain untouched by the plow and where no settlements of white men should disturb the peace of the primeval forest. All pioneer home-seekers were, accordingly, prohibited from setting their feet across the line marking the Indian boundary. Yet the empire was no longer to assume the duty of protecting this circumscribed territory from encroachments. This duty was transferred to the colonial governments in the expectation that they would prevent the feet of their citi-

[61] See reports of Board of Trade, July 17, 1769, and June 27, 1771 in Public Record Office, *Colonial Office Papers*, 324.21. Johnson's letter on the subject is dated December 23, 1768. See *idem*, 5.70, p. 225.

zens from straying. There was only one business which could now legally call the whites into the territory. The far West was to be devoted to the interests of the fur trade; but even with this the empire was not to interfere. It was to be regulated from the various centers of the colonial governments, and in its regulation colonial laws were to replace imperial laws. This abandonment of imperialism in favor of local autonomy was undoubtedly the most radical of the new measures. The change occasioned the most serious difficulties in the West and proved to be no solution of the complex problem.

Although local administration of the Indian trade had been preferred to imperial direction by many well informed British public men and had been demanded by many firms engaged in the business, still the history of the trade offered to those who had been familiar with the conditions prior to the period of imperial interference little encouragement to hope that the various governments concerned would agree on a general plan and administer it with justice and consistency. The first to protest against this change were the two superintendents who were not pleased with the curtailment of the duties of their office. The Grenville-Bedford plan for the West, under which they had been acting for several years, had placed such great power in their hands that they had become the most important officials, after the general-in-chief, in America. Under the new orders the appropriation for the Indian Department was so reduced that both Johnson and Stuart complained that there was not sufficient money to enable them to perform their duties efficiently.[62] Stuart wrote to his colleague on April 14, 1769:

[62] Johnson to Gage, December 16, 1768, in *Johnson Manuscripts*, vol. xvii, 13; Stuart to Johnson, April 14, 1769 in *idem*, vol. xxv, 132.

> I am convinced of the justice of your observation that the reform of the commissaries will render it less practicable to influence and direct the conduct of the distant nations; and our intelligence, especially in this district must be very defective, as there are not any posts or offices, whose duty it is to inform me of all transactions, in any nation within it.[63]

Since the appropriations were cut and their orders to turn over the management of the western trade to the colonies were specific, the superintendents proceeded to recall their subordinates. Sir William Johnson ordered his commissaries stationed at the various posts to make up their accounts till September 25, when their duties would end; but on maturer reflection he determined to retain them till March so that the colonial officials should have no excuse to complain that time was not granted them to make new appointments.[64] John Stuart wrote to the colonial secretary that the duties of his commissaries were to cease on November 1, and that he proposed thereafter to employ only two deputies for the care of his whole district and one interpreter for each of the tribes.[65]

By such measures the superintendents prepared for the transfer of the control of the trade to the colonies. The colonies were, however, unprepared to supply the places of the commissaries or to promulgate general laws to control the trade. For any such undertaking there was need of a greater solidarity of feeling, a keener perception of the common needs than existed on the American continent. Particularism developed by a diversity of interests and by mutual suspicion had prevented the growth of any general sentiment in the colo-

[63] Stuart to Johnson, April 14, 1769, in *Johnson Manuscripts*, 132.

[64] Johnson to Gage, August 24, 1768 in *idem*, vol. xvi, 144. In this letter Johnson makes the above proposal to Gage, who approved of it. See also Johnson to Gage, November 20, 1768 in *idem*, vol. xvi, 226.

[65] Gage to Hillsborough, October 9, 1768 in Public Record Office, *Colonial Office Papers*, 5.86, p. 397.

nies which would compel the administrations to work systematically for a common cause. In fact the colonial officials were, as Gage suggested to Lord Hillsborough, "a good deal puzzled about it, notwithstanding many people here, before the trade was thrown into their hands, seemed very desirous to have the management of it themselves, and talked of it as the properest way to have the trade well managed."[66] Others shared the general's misgivings. Joseph Galloway in a letter to Sir William Johnson wrote that he had urged Benjamin Franklin to point out his "reasons to show the improbability of the colonies maintaining any posts out of their several limits." He added: "As to Indian affairs I much fear, whatever share thereof may be assumed by the respective provinces, there will be many inconveniences attending the taking them entirely from under a general direction."[67] Johnson answered that he was in agreement with this statement, for the management of the Indian trade "will be found to require attention of so troublesome and expensive a nature, that there is reason to apprehend the colonies will hardly be brought to that unity of measures, and proportion of expenses without which the whole may be thrown into confusion."[68]

Galloway was probably expressing the sentiments of his closest associates who were ready to oppose the contemplated change. For a time, at least, the important political and commercial influence of his friends, the

[66] August 17, 1768, Public Record Office, *Colonial Office Papers*, 5.86, p. 291. See also Johnson to Gage, March 22, 1769 in *Johnson Manuscripts*, vol. xvii, 101. Hillsborough insisted that the colonial agents and many individuals told him that the colonies wished to manage the Indian trade. Hillsborough to Gage, March 24, 1769 in Public Record Office, *Colonial Office Papers*, 5.87, p. 155.

[67] May 24, 1768, *Johnson Manuscripts*, xvi, 90.

[68] July 28, 1768, *idem*, xvi, 120.

Whartons of Philadelphia, was sufficiently powerful to delay any action by Pennsylvania on the proposed measure. In writing on January 11, 1769, Samuel Wharton informed Sir William Johnson that the members of the Pennsylvania assembly will give any proposition in regard to colonial regulation of the fur trade "the go bye, as I have convinced the leading members, of the impracticability of their regulating a commerce without the jurisdiction of their laws. The confusion and consequences that must necessarily result from traders going to the Indian villages from all the different colonies, under dissimilar regulations, and withal, if they do engage in it, they must pay for the building and supporting trading houses, commissaries, etc." [69]

The imperial officers, General Gage and the two superintendents of Indian affairs, made strenuous efforts to bring the colonies to a realization of the exigencies of the situation. In the spring of 1769, the general wrote to each of the governors of the colonies directly interested and pointed out the urgent need of action, since Sir William Johnson had been compelled by his instructions to remove the commissaries, interpreters, and smiths from the interior posts; and he urged the governors to take measures immediately to supply their places. He suggested, in accordance evidently with an agreement between himself and Johnson, that Pennsylvania should assume the control of Fort Pitt and the Illinois, New York of Niagara and Detroit, and Quebec of Mackinac.[70]

[69] *Johnson Manuscripts*, vol. xvii, 35.

[70] Gage to Penn, March 24, 1769 in Pennsylvania *Colonial Records*, vol. ix, 581. I have not seen any authority for the distribution of the posts except most general orders; but all later discussion assumed that the above distribution should be followed. Penn answered the above letter on May 16. See *idem*, 582.

In all the later negotiations the colony of New York, under the influence, no doubt, of Gage and Johnson, took the initiative. The subject was discussed in the colonial legislature, and on May 19, 1769, the outline of a tentative plan was formulated;[71] taxes should be laid by authority of the colonial legislature on the merchandise sold at the various posts, the transportation of liquor beyond the most eastern posts should be prohibited,[72] and Indian commissioners should be supported out of the money raised by the taxes. Meanwhile the New York legislature appropriated one hundred fifty pounds "to defray the expense of keeping one interpreter and two smiths at Niagara and Detroit until the first day of Jan[uar]y next." In spite of this hopeful beginning General Gage was obliged to report to the home government "the bad success" of his application to the colonies.[73]

Undoubtedly this failure of the colonies to enact the necessary measures to manage the trade with the Indians was one of the causes of the great restlessness of the natives throughout the West. Reports were constantly being received by Sir William Johnson of outbreaks and of the formation of confederacies to drive the British out of the region. He was told that the French of the villages on the Mississippi were monopolizing the trade and that the Indians refused to permit the Americans to enter their villages. Superintendent Stuart described the conditions in his district as chaotic: the Indian villages were swarming with lawless vagabonds who conducted their trade secretly in the woods;

[71] *Johnson Manuscripts*, vol. xvii, 161.

[72] Pittsburg, Niagara, and Carillon.

[73] Gage to Hillsborough, August 12, 1764 in Public Record Office, *Colonial Office Papers*, 5.87, p. 311. See also Johnson to Moore, September 1, 1769, *Johnson Manuscripts*, vol. xviii, 12.

the trading houses situated on the frontier were attracting the Indians away from their villages and the influence of their chiefs; and settlements were being made beyond the boundary line.[74]

On the other hand the colonials complained of the compulsion to raise money for managing this important business, and they pointed out that before the war they had conducted the trade without imperial interference and without much expense. Although Johnson answered this by proving that, since the war, the colonies had entered into relations with Indian tribes, whose very names were previously unknown, still he was unable to arouse them to activity;[75] nor was the colony of New York, which continued its attempt to secure some coöperation from its neighbors, more successful. On January 27, 1770, the legislature appointed commissioners to confer with those from the other colonies.[76] The Pennsylvania governor realized his responsibility, even if the legislature was opposed to doing anything in the matter, and entered into a correspondence with the governors of New York and Virginia in regard to what should be done.[77] The latter colony, however, was the only one to appoint commissioners.[78] All efforts had thus failed, and the few commissioners who did assemble agreed that the next meeting should be held upon the call of the governors.

[74] Stuart to Governor Bull, December 2, 1769 in Public Record Office, *Colonial Office Papers*, 5.71, p. 23.

[75] Johnson to Moore, September 1, 1769 in *Johnson Manuscripts*, vol. xviii, 12.

[76] Colden to Hillsborough, February 21, 1770 in New York *Colonial Documents*, vol. viii, 207, 241.

[77] House of Burgesses of Virginia, *Journals, 1770-1772*, p. vii.

[78] New York legislature to Dunmore, February 15, 1771 in *Johnson Manuscripts*, vol. xx, 99. For other letters see House of Burgesses of Virginia, *Journals, 1770-1772*, p. vii.

Lord Hillsborough's patience was exhausted by this delay. On November 15, 1770, he wrote a circular letter to the governors in which he expressed his surprise at the long postponement of such necessary legislation. "The king," he said, "has commanded me to signify his pleasure that you without delay represent the matter in the strongest manner to the Council and Assembly."[79] A faithful representative of Hillsborough was soon to promote the colonial secretary's ideas in America. This was the new governor of New York, Lord Dunmore, who exhibited great energy in pushing this important object. He entered into correspondence about the Indian trade with Sir William Johnson and urged the legislature to do something for the promotion of peace on the frontier.[80] The latter body, on February 15, 1771, returned an address on the whole subject in which there was recited the history of the efforts of the colony to promote the cause. Attention was called to the fact that a committee had been appointed "to prepare and bring in a bill for this necessary service," but the legislators felt that little could be accomplished without concerted action.[81] This new effort resulted in nothing; but this was not wholly due to the apathy of the colonies. The danger of a meeting of colonial representatives, even to secure such an important result as the settlement of the Indian trade, was apparent to Lord Hillsborough; and he informed Governor Carleton of Quebec that the king disapproved of such a general conference, a hint that was sufficient for the governor of

[79] New York *Colonial Documents*, vol. viii, 241.

[80] — *Idem*, vol. viii, 261, 265.

[81] New York legislature to Dunmore, February 15, 1771, *Johnson Manuscripts*, vol. xx, 99. At about this same time Virginia was considering the same subject. Johnson to Nelson, March 16, 1771, Johnson to Dunmore, March 16, 1771 in *idem*, 141, 144.

the most northern province; when the law creating the Virginia commission reached Westminster, the imperial government refused its consent. It was evidently Hillsborough's idea that the colonies should reach an agreement on the subject without a general meeting.[82]

The problem, as a matter of fact, was too intricate for the colonies without a closer federation than existed at the time, and Sir William Johnson gave up all hope on account of "the different interests and systems of policy prevailing in each colony, which must ever prove an obstruction to establishments that depend on a perfect union of sentiment and on proportional quotas of expense."[83] Lord Hillsborough became discouraged by the colonial inactivity and lamented that there had been a departure from his former plan.[84] His judgment was justified by the accounts of the continued demoralization of the Indian trade, in which the merchants were "guilty of the most glaring impositions," as Johnson wrote.[85] The opinion of Hillsborough was held also by his successor, Lord Dartmouth, who was convinced that there must be devised some general plan for trade which must be enforced by act of Parliament, since the colonies refused to do anything and the crown did not possess the power to take drastic measures.[86]

The opinion of the minister was supported by the criticisms of the Indians. In July, 1774, the Iroquois complained bitterly of the conditions which had grown

[82] Hillsborough to Carleton, July 10, 1771, Carleton to Hillsborough, October 31, 1771, Canadian Archives, Manuscripts, Q. 8, 47, 82; Colden to Hillsborough, July 7, 1770, Tryon to Hillsborough, January 9, 1772 in New York *Colonial Documents*, vol. viii, 216, 288.

[83] Johnson to Hillsborough, April 4, 1772 in *idem*, 292.

[84] Hillsborough to Johnson, December 4, 1771 in *idem*, 287.

[85] Johnson to Dartmouth, November 4, 1772 in *idem*, 316.

[86] Dartmouth to Johnson, February 3, 1773 in *idem*, 348.

up since the imperial regulations of the trade had been annulled. They said:

> The provinces have done nothing and the trade has been thrown into utter confusion by the traders being left to their own will and pleasure and pursuit of gain, following our people to their hunting-grounds with goods and liquor, where they not only impose on us at pleasure, but by means of carrying these articles to our scattered people, obstruct our endeavors to collect them, which we might have easily effected if the traders had been obliged to bring their goods to Niagara or other markets, as before.[87]

Conditions of the Indian trade had developed to such a state through the supineness of the colonies and the rapaciousness of the traders that there seemed to be nothing to do but to revive the imperial plan of the earlier years, and finally this was to be attempted; but the trouble existing in the trade was only one of the many perplexities that had grown out of the inauguration of the compromise policy of 1768. Every element of that policy led to a similar impassé, and the attempt that was made to correct the evils can only be understood after following the course of events along many paths.

[87] New York *Colonial Documents*, vol. viii, 475.

## III. THE INDIAN BOUNDARY LINE

*The late Mr. Grenville, who was, at the time of issuing this proclamation [of 1763], the minister of this kingdom, always said, that the design of it was totally accomplished, so soon as the country was purchased from the natives.* – SAMUEL WHARTON.

The compromise policy of 1768 required many readjustments of the governmental machinery, which should have been carefully and thoughtfully made in order to spare the transmontane territory the outbreak of another Indian war. Yet the change from imperial to colonial management in the far West was carried through without forethought and without preparation. The same carelessness about consequences characterized the inauguration of the remaining part of the policy. The imperial superintendents of Indian affairs performed their duty and established, as ordered, a boundary line between the territory open to settlement and the Indian hunting-grounds; but the inauguration of this important measure implied that some government would be provided for the area thus made accessible to settlers. The ministers had given, however, little thought to this phase of their policy and had proposed no means of maintaining peace and order in the newly opened region of the upper Ohio Valley, and the consequences of their hit or miss methods came as a surprise to them. Nemesis did not overlook this carelessness; the territory east of the ministerial boundary line became the breeding place of such lawlessness and specu-

lative greed that the system of imperial politics itself was endangered.

Lord Shelburne's letter of instructions to run an Indian boundary line did not inaugurate a wholly untried experiment. Certain steps had already been taken toward such an end. In the treaty of Augusta in 1763, when the governors of Georgia, the two Carolinas, and Virginia were present, John Stuart, superintendent of the Southern Department, had met the most important of the Indian tribes of his district and agreed with them on a line between Georgia and the Indians and had also reached a general understanding on the continuation of the boundary back of all the southern colonies.[88] This agreement was followed in the course of the ensuing years by treaties with the particular tribes. By the autumn of 1765, the line had been extended to the northern boundary of South Carolina and a treaty had been made fixing at the back of North Carolina the limit of settlement, which was not surveyed, however, until 1767.[89] All these treaties received the approval of the imperial government though the only authorization of them had been general instructions to the super-

[88] The important sources for the boundary line are to be found in the New York *Colonial Documents*; North Carolina *State Records*, vol. xi, 179 ff.; the Manuscripts of Public Record Office, *Colonial Office Papers*; and *Draper Manuscripts*, KV. This latter is a copy of a law suit appealed to the Supreme Court of the United States, entitled Robert Porterfield vs. Merriwether L. Clark et al., January Term, 1844. Discussions of the boundary line are: Farrand, "The Indian Boundary Line," in *American Historical Review*, vol. x, no. 4, pp. 782 ff.; Alvord, "The British Ministry and the Treaty of Fort Stanwix," in Wisconsin Historical Society, *Proceedings*, 1908; Hamilton, *Colonial Mobile*, 239 ff. On March 29, 1769, the headmen of the Cherokee said to Stuart: "When the great Congress was held at Augusta in 1763, the governors of Virginia, South and North Carolina were present, we then fixed on our boundary with them, and you will remember the place, where the line was to be run. But some of the governors pretend to forget and would fain come within a short space of our towns." – Public Record Office, *Colonial Office Papers*, 5-70, p. 497.

[89] New York *Colonial Documents*, vol. viii, 31 ff.

intendents to carry out the Grenville-Bedford plan for Indian affairs as far as possible.[90]

There remained to be established in the South only the line at the back of Virginia, to which that colony was unwilling to give its consent since such an act would curtail her western claims and interfere with the far reaching plans which were being promoted by her citizens for the exploitation of the region.[91] It was not until there were received the new orders from Lord Shelburne, which were repeated by Lord Hillsborough, that the colony reluctantly yielded. On October 14, 1768, the superintendent had a meeting at Hard Labour with the Cherokee, at which time the line already run behind the more southern colonies as far north as Chiswell's mine on the Great Kanawha was ratified, and an agreement was reached that this should be continued from that point "in a straight line about a north course to the confluence of the Great Conhoway [Kanawha] with the Ohio."[92] Superintendent Stuart desired to survey the line immediately and appointed November 10 for the meeting of the commissioners with the Indians. To this date, however, the latter objected on account of the advanced season of the year. They had agreed to the date, they said, in the expectation that the Great Kanawha would form the boundary in which case there would be only the short line to run from the North Carolina limits to Chiswell's mine; but since the

[90] Lord Shelburne particularly gave his approval in numerous letters written in 1766 and 1767. See *Lansdowne Manuscripts*.

[91] Fauquier to Stuart, May 6, 1767, Stuart to Blair, July 7, 1768 in Public Record Office, *Colonial Office Papers*, 5.70, 273, 301.

[92] Stuart to Blair, July 7, 1768 in *idem*, 5.70, p. 301; "Porterfield vs. Clark et al., in *Draper Manuscripts*, KV. See also Hall, *Sketches of History, Life and Manners of the West*, vol. ii, appendix 257. The line north of the Floridas was ratified in a treaty in November, 1768. Chiswell's mine is the modern Austinville, Virginia.

boundary was to be from that point a straight line instead of the river, there was not time to survey it before the winter set in. For this reason a new date, May 10, 1769, was agreed upon. This delay was to be the cause of many complications: by it the Virginians, who were unwilling to accept John Stuart's dictation in such an important affair, were granted an opportunity to learn the results of Sir William Johnson's negotiations with the Iroquois, to muster their forces to oppose such a limitation of their western expansion, and finally to start a movement which was to win for them a greater territory.

The superintendent of the Northern Department had been for some years in favor of marking the boundary line between the settlements and the Indian hunting-grounds; and at the same time, he expected to secure for the colonies territory for their natural expansion. New York, Pennsylvania, and Virginia were all vitally interested in such a policy, for the lands of the Iroquois and their allies extended in a long unbroken stretch from the Saint Lawrence River to the mountain region south of the Ohio. Sir William Johnson pointed out to General Gage that the Indians would expect a handsome present for this cession, that the proprietor of Pennsylvania would gladly pay his share, and that it would be good policy for the imperial government to pay for the rest, because the land would readily find purchasers. In this way the empire would secure undeniable control of the western movement of the settlements.[93]

In the general instructions concerning the boundary line the superintendents were told to consult with the various governors; and, since the permanency of his labors to secure peace on the border depended on the co-

[93] Johnson to Gage, April 8, 1766 in *Johnson Manuscripts*, vol. xvi, 65.

operation of the colonial governments, Sir William Johnson sent out a general summons for delegates to attend the council. New York did not respond, because her governor thought that the northern superintendent would take care of the interests of his own colony;[94] but the other colonies were not slow to utilize the opportunity to win what advantages might be offered in this assemblage of the aborigines.

The Virginians entertained great hopes of making capital out of the treaty, for the Iroquois had a claim to the territory south of the Ohio and stretching west as far as the Tennessee; a claim which was regarded by many as stronger than that of the Cherokee.[95] The speculators perceived that if they could persuade the Iroquois to yield this title, Virginia would regain some of the advantages which she was bound to lose through John Stuart's negotiations with the Cherokee, by which many of the early large land grants to prominent citizens were to be cut off from possible settlement. The choice of representatives was made with care; they were two of the most prominent speculators in western lands, Dr. Thomas Walker and Colonel Andrew Lewis, both of whom had claims lying beyond the line which John Stuart had so recently negotiated.[96]

The Pennsylvanians were particularly anxious to

[94] Moore to Johnson, August 31, 1768 in *Johnson Manuscripts*, vol. xvi, 152.

[95] Sir William Johnson wrote of this that he had "heard the Cherokees about twenty years ago acknowledge, that the river of that name (the Tennessee) was the extent of their pretensions," and that it was so understood by the Virginians. See Johnson to Hillsborough, June 26, 1769 in Public Record Office, *Colonial Office Papers*, 5.70, pp. 473-478. The fact seems to be that after the Shawnee left this region early in the eighteenth century both the northern and southern Indians laid claim to it. Thus Kentucky became the "dark and bloody country," across which war bands from the north and south were constantly passing.

[96] House of Burgesses of Virginia, *Journals, 1766-1769*, p. xxx. On account of the necessity of the presence of one of them at Chiswell's mine, only Walker remained till the close of the meeting.

purchase territory, because the immigration of Germans and of Scotch-Irish during the last half century had crowded the most available land so that more room for expansion had become a vital necessity. Even the hostility of the proprietary party to the Indian Department under Sir William Johnson did not blind it to this need. When the anti-proprietary party introduced a bill to appropriate two thousand five hundred pounds to be expended by Sir William Johnson for quieting the Indians (a measure evidently intended to promote the policy of running the boundary) the supporters of the government did not oppose it.[97] So important to the Pennsylvanians was the business that Governor Penn himself attended the treaty with three delegates from the council.[98]

Of far greater importance was the presence of Thomas and Samuel Wharton of Philadelphia, members of the company which had been formed for planting a colony in the Illinois country. Of the two brothers, both western speculators, the younger, Samuel, was to play the more important role. He was an able negotiator, familiar with western conditions, a friend of men of influence in the colonies and in England. He was on intimate terms with such men as Sir William Johnson and Benjamin Franklin particularly and in the course of the next few years was to become a factor in British politics. Like many of his contemporaries, his eyes were directed towards his business interests and all methods of advancing these appeared to him legitimate. He was by no means the most unscrupulous of contem-

[97] Wharton to Croghan, February 16, 1768 in *Johnson Manuscripts*, vol. xvi, 12. In May Croghan and Pennsylvanian commissioners distributed presents to the Indians to keep them quiet. See *Facts and Observations respecting the Country granted to His Majesty, etc.*, 7.

[98] Governor Penn was obliged to leave before the treaty was concluded. See New York *Colonial Documents*, vol. viii, 114.

porary financiers, but he belongs to a type which the large opportunities for acquiring wealth rapidly developed in the American colonies. The Whartons were in the greatest need of making some financial stroke, for in the summer of 1767 the firm of Baynton, Wharton, and Morgan found their business in such straits that they were obliged to call together their creditors and lay before them a statement of their assets and liabilities. The firm, while not in danger of bankruptcy, was embarrassed by lack of available funds; and in order to obtain an extension of credit, the partners were compelled to conduct their business under supervision until their debts should be paid.[99]

The Whartons attended these negotiations with the Indians for the purpose of furthering an enterprise that was even dearer to them than their Illinois scheme. They were among those traders who had suffered losses at the time of the outbreak of the war of Pontiac's Conspiracy and had at the time petitioned the king for compensation. Since that time they had been working to obtain from the Indians a grant of land to recompense themselves and their associates for their losses. Influenced by the same desire Governor William Franklin of New Jersey made his way to the place of meeting. The Whartons were not men to leave such an important business as the "retribution" grant to chance. In order to look after their interests, Samuel Wharton and Captain William Trent, who was an associate, visited Sir William Johnson at his home in the Mohawk Valley and then passed on to the Indian villages where they remained several weeks persuading the Six Nations to insist on making the desired land grant.[100]

[99] Galloway to Wm. Franklin, September 6, 1767 in Franklin, *Papers*, vol. xlviii, 134.

[100] Wharton to B. Franklin, December 2, 1768 in Franklin, *Papers*, vol.

The congress had been summoned to meet at Fort Stanwix in September, but the usual delays occurred and it was late in October before Sir William Johnson could open the business. An eye-witness has described the scene:

> By the best estimating there were about three thousand four hundred Indians collected, and much fewer women and children than I ever saw at any treaty before, occasioned by their staying at their villages to secure their corn. As this convention of the nations, was to settle an affair, in which the future peace and commerce of these colonies, were most intimately concerned, Sir William very prudently summoned deputy's as well from the Indian Tribes in Canada – as from all those on the Susquehannah, and down the Ohio for many hundred miles, that so none of those nations might hereafter plead ignorance or disapprobation of the transaction.[101]

Both colonial representatives and Indians realized that one of the most important treaties ever made in the forests of America was about to be consummated, and they both had hopes that it would result in a long peace between the two peoples. Sir William Johnson opened the meeting with the solemn and figurative language usually employed in addressing the natives. He recalled that in 1765 he had laid before them the plan of a boundary line to which they had agreed and told them that now the time had come to run the same. Great emphasis was laid on the fact that the king was prepared, in return for a grant of land, to give the large and handsome present which was conspicuously arranged before the eyes of the assembly.[102] Without doubt this array of

xlix, 77. The last of the letter is missing, so which brother wrote it is not positively known. In the *Calendar of the Franklin Papers*, it is ascribed to Thomas, but it was probably Samuel, since he was usually employed in such missions.

[101] Franklin, *Papers*, vol. xlix, 77.

[102] Such extracts of the proceedings as Sir William Johnson sent to the British ministry are printed in New York *Colonial Documents*, vol. viii, 111 ff. The full record has never been printed.

gifts had its effect on the savage mind; there was at first great opposition to granting all that Sir William demanded, particularly in the colony of New York; but by dwelling on the subject of the presents and by means of private gifts, this objection was partially overcome; the boundary line, however, was not extended to the lake at the north.

When the question of the southern end of the boundary line came to an issue, Sir William found difficulties of another kind. The Indians made certain conditions before they would make any cessions. The first conditions were undoubtedly the fruit of the conferences with the Whartons held before the assembly met at Fort Stanwix. Secret meetings with the same persons during the period of the congress further strengthened the Indians in their purpose, and there is even considerable evidence that Sir William Johnson lent his influence to gain the same end. At any rate he was not surprised when the Indians demanded that they be permitted to give a tract of land to the traders who had suffered at the hands of the Shawnee and Delawares in 1763. This tract was a very large one, situated in what is now the state of West Virginia; it was later christened "Indiana." The Indians further demanded that George Croghan, who had previously bought from them many acres of land, which now proved to lie within the boundaries of Pennsylvania, should receive another cession in compensation. Both these grants were dated two days before the other stipulations of the treaty.[103]

These cessions to the traders and Croghan were within the territorial claims of Virginia and were therefore not looked upon with favor by her delegate,[104] who in

[103] Wharton to B. Franklin, December 2, 1768 in Franklin, *Papers*, vol. xlix, 77.

[104] Dr. Walker was now alone, Lewis having returned to Virginia.

later years made a declaration upon which the following charge of dishonesty was based:

> The whole transaction wore the face of mystery and knavery; for though Dr. Walker was there as a public commissioner for Virginia, he was refused access to the conferences, the caution was used to conceal from him what they were about, and every thing until the business was finished, was conducted privately with the Indian chiefs by Sir William Johnston [*sic*] and the traders.[105]

Though Doctor Walker was unable to protect the territories of Virginia from encroachments, he was successful in accomplishing the object of his mission, the cession of the Iroquois claim on the western frontier of Virginia. Johnson's mind was also prepared for this act on the part of the Indians by being shown a deed "for great part of these lands which they [the Virginia commissioners] assured [him] had formerly met with encouragement from His late Majesty and the then ministry." He was also assured that the Virginians intended to settle the region and that no power could prevent them.[106] What methods were employed to persuade the Indians to part with a title to such a large extent of territory is matter of some doubt since the story of the secret negotiations was carefully guarded. There are, however, indications of the means that were used. A few years later Colonel William Preston, who was in a position to know, informed Lord Dunmore that Walker and Lewis made a purchase of the territory from the Indians.[107] Of course no record of such a purchase is to be found in the public minutes of the con-

[105] Mason to Randolph, October 19, 1782, Rowland, *Life of George Mason*, vol. ii, 26; see also page 342. In a contemporary statement of facts, however, Dr. Walker made no charges. Letter of the commissioners, December 14, 1768 in House of Burgesses, *Journal, 1766-1769*, p. xxx.

[106] Johnson to Hillsborough, June 26, 1769, New York *Colonial Documents*, vol. viii, 172.

[107] Preston to Dunmore, January 23, 1775 in *Dunmore Manuscripts*.

gress, nor is there contemporary proof of it. Still if Preston was correct, the whole affair has a sinister aspect. At least some contemporaries, basing their opinion on information no longer accessible, believed that inducements to make the cession were given to the Indians. Superintendent John Stuart received, shortly after the congress, information concerning the methods employed by the Virginia commissioners that aroused his suspicions of the whole transaction.[108]

Howsoever they may have been induced to do so, the Iroquois affixed a third condition to their cession in the south, a condition which was to prove most momentous in the development of the West. They insisted that their claim to the land south of the Ohio as far west as the Tennessee River was just and that the Cherokee had no rights to it; and the means they took of proving that right was the presentation of this large territory to the king. Sir William always asserted that in order to consummate the treaty he felt constrained to agree to this departure from his instructions.

The line as finally established started in northern New York near the east end of Lake Ontario, ran in a southerly direction to the Delaware River, then westerly till it touched the Alleghany River, then down that river to the Ohio and westerly along the Ohio to the mouth of the Tennessee. The boundary line was now completed; it extended as an unbroken line from near the Great Lakes to the Mississippi River in northern West Florida; it closed the far West to colonization but opened up for immediate settlement new land in New York,[109] a large part of western Pennsylvania, and the

[108] Stuart to Hillsborough, January 20, 1770 in Public Record Office, *Colonial Office Papers*, 5.71, p. 102.

[109] Governor Moore called it "a very inconsiderable portion" of the whole. Moore to Hillsborough, January 27, 1769 in New York *Colonial Documents*, vol. viii, 149.

territory back of Virginia, as far west as the Great Kanawha. For the land lying within the limits of the royal provinces, the crown paid a little over ten thousand pounds. At the same time Pennsylvania paid one thousand Spanish dollars for the share naturally pertaining to her.[110] On account of the Iroquois deed to the lands west of the Great Kanawha River, the status of the territory lying between the Tennessee and the Ohio Rivers was left doubtful, at least in the minds of those who were anxious to colonize it.

Five years had elapsed since the announcement had been made by the proclamation of 1763 that the West was to be maintained under imperial control and ruled by the military and Indian officers of the empire. By the proclamation the future of the valley had been raised to the dignity of a vital issue in British politics and over the issue two parties had clashed. The treaty of Fort Stanwix, which was signed on November 5, 1768, brought to an end the first epoch in the history of the British ministerial policy in the West. The new measure that was put into execution at this congress with the Indians had been the result of a compromise between political parties. The thorough-going imperialization of the West, devised by the Grenville-Bedford ministry, had been discarded, but the opposite plan of complete local autonomy with colonial exploitation of the region, advocated by Lord Shelburne, had not been inaugurated. Instead the boundary line between the settlements and the Indian hunting-grounds was to be maintained by the empire, while the duty of managing the Indian trade was placed on the colonies. The ministers had entered upon the new measure al-

[110] *Facts and Observation respecting the Country granted to His Majesty by the six United Nation, etc.*, 12.

most heedlessly, certainly without that expenditure of labor and thought with which Lord Shelburne had worked out the details of his policy. However faulty the latter's plan might have proved to be, however unworkable and expensive the Grenville-Bedford plan had been found, yet they both had possessed the merit of consistency; but experience was to reveal that the new policy possessed the grave faults that are always inherent in such patched-up plans. Many questions should have been asked by the ministers before they undertook to put their system into execution. What would be the effect of the removal of the troops from the far West? Without a control of western expansion and without the incentive of the profits of land speculation, would the colonies unite in the promulgation of a common system for the regulation of the Indian trade? Could the boundary line be protected from frontiersmen and speculators without imperial officers with power to punish offenders? What should be done with the territory that was purchased from the Indians? Such questions the future was to answer.

Whether Sir William Johnson had any ulterior financial motive in the negotiations of the treaty of Fort Stanwix which led to the cession by the Iroquois of the territory lying between the Ohio and the Tennessee Rivers may never be known. He asserted again and again that his intention was to serve the best interests of the empire by securing as large a grant as possible, and he was always very angry at every charge of dishonesty which was made against him.[111] Whether innocent or

[111] On March 22, 1769, he wrote to Gage: "For my part I could not see any ill consequences or impropriety in getting from the northern nations all their claims in that quarter. If it had never been done the Virginians would nevertheless have pushed settlements there." – *Johnson Manuscripts*, vol. xvii, 101. On August 9, 1769, he refuted charges of corruption which had been

guilty his permission to the Six Nations to grant to the king the territory and thus cast some doubt on the permanency of the boundary line gave occasion for considerable discussion in the cabinet when finally the report of his proceedings came up for consideration. One member of the ministry at least, Lord Hillsborough, was greatly irritated at Johnson's disobedience, and took it upon himself, without consultation with his colleagues, to rebuke the latter for what he regarded as a grave mistake in policy.[112] From the report of the congress, Hillsborough inferred that the superintendent had been responsible for the action of the Six Nations by letting them learn that there was some doubt entertained about their title to the territory in question. His letter pointed out that the cession by the northern Indians would not only "produce jealousy and dissatisfaction amongst the Cherokee, but will also tend to undo and throw into confusion those settlements and agreements for the other part of the boundary line, which the superintendent for the Southern Department has concluded so ably and so precisely according to his instructions." The secretary then urged Johnson to persuade the Indians to take back their gift.

From the conditions prevailing in the cabinet at the time Lord Hillsborough might well have been confident that his peremptory letter to Sir William Johnson would be readily endorsed by the administration. His position was particularly strong, because he was now presiding at the Board of Trade and could therefore count on obtaining the recommendation of his policy from his colleagues in that body. Their report was

written about his conduct. Johnson to Gage in *idem*, 227. See Johnson's explanations to Hillsborough, June 26, 1769, and August 21, 1769 in New York *Colonial Documents*, vol. viii, 172, 179.

[112] January 4, 1765 in *idem*, vol. viii, 144.

ready on April 25, 1769, and like Hillsborough's letter brought out clearly the evils which would follow the acceptance of the Six Nations' cession of the territory between the Great Kanawha and the Tennessee Rivers.[113] When this report finally came before the cabinet, however, Hillsborough found that his colleagues were not in sympathy with his position. They did not understand or appreciate the finer points at issue and were prepared, according to an informant of Benjamin Franklin, to condemn his whole American policy.[114] Samuel Wharton, who had sailed for England soon after the Fort Stanwix treaty, wrote back that Lord Camden said "that there was not one member in all the cabinet councill, but what thought Ld. H. mad in his objections to the boundary, etc. as mentioned in one of his letters to Sir William, and therefore it was the unanimous opinion and determination of them to confirm it in all its parts, if the Six Nations would not depart from the terms."[115]

The information obtained by the two Americans was probably correct, for on May 13, Hillsborough was obliged to write to Johnson that the ministry had decided that if he had not already been able to induce the Indians to take back their cession and if in his judgment the attempt would be inadvisable, "His Majesty, rather than risk defeating the important object of establishing a final boundary line will . . . give the necessary

[113] Printed in New York *Colonial Documents*, vol. viii, 158.

[114] Franklin to unknown, May 29, 1769 in *Johnson Manuscripts*, vol. xvii, 176.

[115] S. Wharton to Johnson, June 14, 1769, *idem*, vol. xvii, 190. The letter further stated: "Lord H. had wrote and sent away his *foolish* letter (as the Ld. Ch——r calld it) to Sir William before he consulted the cabinet c—n—ll upon it; but as soon as the c—n—l saw it, they all expressed their *amazement* at it, and therefore, his Lordship was obliged to write his subsequent letter, which is express'd in the equivocal manner it is, in order to save his honor." See also Croghan to Johnson, August 21, 1769 in *idem*, vol. xviii, 2.

directions for the confirmation of it as agreed upon at Fort Stanwix."[116] The secretary pointed out, however, that the ministry would not countenance any settlements west of the Great Kanawha River.

Sir William Johnson's first answer to the colonial secretary was very submissive, and he assured him that there would be no trouble in persuading the Iroquois to take back the magnificent gift;[117] but the subsequent information of the disagreement in the cabinet over the subject and the milder tone of the second letter from the secretary inspired him with courage to defend his action with greater boldness and to point out the grave difficulties that would be met in any attempt at restitution.[118] Johnson's defense was based on a complete misunderstanding, either real or assumed, of the ministerial purpose in creating an Indian boundary line. That purpose was to control the westward expansion by marking a definite and continuous line beyond which no settlements were to be established until the pressure of population upon the frontiers made it necessary to open up more territory. On the other hand Johnson in all his letters regarding the treaty, whether to officials or to private individuals, took it for granted that the interests of the empire would be best served by obtaining as extensive a grant as possible from the Indians.

Starting with this misconception of the purpose he was to promote, Johnson justified his action by asserting that the Virginians were bound to make settlements throughout the whole length of the Ohio Valley and that no power could stop them. He also made use of the argument which the two Virginia commissioners

[116] New York *Colonial Documents*, vol. viii, 166.

[117] June 26, 1769 in *idem*, 172.

[118] August 21, 1769 in *idem*, 179.

had furnished him, namely that titles to lands situated west of the Great Kanawha had been obtained from the Indians with the approval of "the late king."[119] He emphasized the importance of the denial of the Cherokee to any claim to these lands made to him twenty years before.

Johnson's explanations were acceptable in view of the fact that the ministers had already determined to approve the cession of the territory south of the Ohio River; but they did not give their consent to the land cessions to the merchants and George Croghan;[120] nor did they at this time make any provisions for the government of the region east of the Great Kanawha that was opened for settlement. From the report of the Board of Trade in March, 1768, it was evident that the expectation then was that the royal province of Virginia would extend its jurisdiction over this territory and thus provide for all emergencies which might arise from the rush of settlers across the mountains. Though this was probably the intention of the cabinet, the ministers did not remove the prohibition placed on settlement west of the mountains that was promulgated in the proclamation of 1763. As a matter of fact this prohibition was never formally raised, so that all settlement beyond the Appalachian divide remained illegal under imperial law.

From the action of the ministry in approving the treaty of Fort Stanwix the colonials might well argue,

[119] His language is: "I saw a deed in the hands of the Virginia commissioners for great part of these lands which they assured me had formerly met with encouragement from His late Majesty and the then ministry of which numbers were determined to avail themselves forthwith." – Johnson to Hillsborough, June 26, 1769 in New York *Colonial Documents*, vol. viii, 172.

[120] Hillsborough to Johnson, December 9, 1769 in *Documentary History of New York*, vol. ii, 960.

as they did, that settlement in the upper Ohio Valley was permitted. The colonial governments, however, while allowing their citizens to seek homes across the mountains, made no effort to perform the duty tacitly assigned them of protecting the hunting-grounds of the Indians. In fact only one colony, and that the weakest, West Florida, passed any general prohibition against settlement in the protected area.[121]

The colony most immediately interested in the "imperial line," as it was called, was Virginia. Her citizens had already made settlements beyond the mountains, and some of them had marked out claims and built homes a considerable distance beyond the limits established at the treaty of Hard Labour. In the territory of the upper branches of the Tennessee River there were several such settlements situated on the extensive land claims of Walker and Lewis who had been the representatives of Virginia at Fort Stanwix; but the speculators had ambitions that went far beyond the securing of these Holston River settlements. Their success in securing the cession of all the land south of the Ohio from the Iroquois and their allies paved the way for enterprises throughout this region, and they made preparations to utilize this opportunity to the utmost.

The claim of the Cherokee to Kentucky, regarded in Virginia as particularly shadowy, alone stood in the way of a westward movement of population. Immediately after their return from Fort Stanwix, Lewis and Walker were sent by Governor Botetourt to lay before the superintendent of Indian affairs for the South-

[121] Stuart to Hillsborough, September 23, 1771 in Public Record Office, *Colonial Office Papers*, 5.72, p. 654. Governor Chester of West Florida wrote Hillsborough, September 26, 1770, that his colony was the only one which had passed any law for the regulation of trade. The law was passed in May, 1770. See *Secretary of States Letter Book A.*

ern Department the reasons why the boundary line with the Cherokee should be fixed farther to the West.[122] In his letter to Stuart the governor wrote:

> Our commissioners Colonel Lewis and Dr. Walker having informed me, that the line you have marked out in your several letters as a boundary betwixt the Cherokees and Virginia will determine a large tract of land to be their [Cherokees'] property, which Sir William Johnson has purchased of the Northern Indians at the Treaty of Fort Stanwix; I have by advice of the Council directed these gentlemen personally to confer with you upon that subject, that you may if possible agree together upon a fresh plan which may satisfy the Indians and observe [*sic*] to this colony the lands lately purchased as well as those which were settled before the late war.[123]

In spite of his well-based suspicions of the two commissioners, Stuart made no objection to the proposition of Virginia, provided the change were not too extensive; and in his answer he assured the governor that he would "resume a negotiation for a new line when his Majesty shall please to signify his pleasure," and in the meanwhile he would prepare the minds of the Indians for such an alteration in their agreement.[124] The new boundary to which Stuart agreed was not to include all the territory recently purchased from the Six Nations, but only to stretch over a sufficient area to include the Virginia settlements on the Holston River. In his later negotiations with the Cherokee, Stuart discovered that the Indians were willing to sell more of their lands provided the price was satisfactory.[125]

[122] Their instructions, December 20, 1768, from the governor are printed in House of Burgesses of Virginia, *Journals, 1766-1769*, p. xxxi. Other letters on the same subject are to be found on following pages. The same and others are to be found in the Virginia *Magazine of History and Biography*, vol. xiii, 20 ff.

[123] House of Burgesses of Virginia, *Journals, 1766-1769*, p. xxxii.

[124] Stuart to Botetourt, January 19, 1769 in *idem*, xxxiii.

[125] Falls of Ouconastolah, etc., March 29, 1769 in Public Record Office,

The Virginia government evidently expected this favorable reply from Stuart concerning the reopening of the negotiations with the Cherokee, for on the same day that Governor Botetourt gave Walker and Lewis their instructions, he wrote to Hillsborough of the necessity of this change. Since Stuart agreed in this necessity the Board of Trade in their lengthy report on the boundary line, dated April 20, 1769, made favorable comment on the subject but recommended that the expense of the new purchase should be borne by the colony of Virginia.[126]

This extension to the Holston River did not satisfy the speculative ambitions of the Virginians. Their imagination had pictured vast fortunes built upon the exploitation of western land and they had become impatient at the prolonged exclusion from the Ohio Valley which they looked upon as exclusively their own. The treaty of Fort Stanwix by the cession of land as far west as the Tennessee River had offered them a golden opportunity to enter into their heritage. In particular the officers and soldiers who had been promised lands for their service in the late war were anxious to receive their reward. The result of the agitation of these men was a memorial by the House of Burgesses in December, 1769, to Governor Botetourt setting forth the needs of even wider limits than those proposed by Mr. Stuart.[127]

*Colonial Office Papers*, 5.70, p. 497. See also Stuart to Hillsborough, December 2, 1769 in *idem*, 5.71, p. 17, wherein Stuart asserts that the Cherokee were agreeable to reopening the negotiations for a boundary.

[126] — *Idem*, 391.76, p. 47 ff.; the report is in New York *Colonial Documents*, vol. viii, 162; the announcement of receipt of authorization is in Virginia *Magazine of History and Biography*, vol. xii, 227. Hillsborough's letter giving the authority was dated May 13, 1769, according to the treaty of Lochaber, House of Burgesses, *Journals, 1770-1772*, p. xv, and his letter of October 3, 1770, gives the same date. See also Virginia *Magazine of History and Biography*, vol. xiii, 140.

[127] House of Burgesses, *Journals, 1770-1772*, p. ix.

The burgesses dwelt upon the great difficulty of marking and protecting a line through a mountainous territory, and they laid particular stress on the fact that "a great part of that most valuable country, lying on the Ohio, below the mouth of the Kanhaway, lately ceded to his Majesty by the Northern Indians, would be separated and divided from the British territory," within which area lands had been already legally patented. For these reasons the memorialists pointed out "that a line beginning at the Western termination of the North-Carolina line, and running thence in a due west direction to the River Ohio, may be accomplished at much less expence than the other line proposed."

To this memorial Stuart made an elaborate answer in which he criticized its contentions. The superintendent asserted that the proposed line would never touch the Ohio River and would run close to the Cherokee towns and cut off their most valuable hunting-grounds. The permission of settlements so far to the westward would arouse the hostility of every tribe and cause another Indian war. The opinion of Stuart in the end prevailed and the House of Burgesses determined on June 15, 1770, to enter upon a treaty with the Cherokee "for the lands lying within a line to be run from a place where the North Carolina terminates, in a due west direction, until it intersects Holstein River, and from there to the mouth of the Great Kanaway."[128] For this concession Virginia agreed to pay two thousand five hundred pounds.[129] The House of Burgesses assigned as the reason for renouncing the wider boundaries proposed in their memorial and their acceptance

[128] House of Burgesses, *Journals, 1770-1772*, p. xiii.

[129] The amount actually paid was two thousand nine hundred pounds, the extra four hundred pounds being taken from the quitrent fund. See *idem*, p. xiv.

of Stuart's and the ministerial line "the menace to frontier interests resulting from the disquietude of the Indians;" but it may be that the news from London concerning the proposed establishment of a colony in the region may have been of influence upon their minds, since their purchase under the authority of the imperial government would establish more firmly Virginia's claim to part of the territory of the upper Ohio Valley.

When the idea of such a change in the line was first reported to Lord Hillsborough, he was pleased to confirm it. His letter of October 3, 1770, to Lord Botetourt offers sufficient evidence to prove his purpose at this time to permit a limited expansion of settlement to the west of the mountains. He wrote:

> I am convinced from the fullest consideration, that the extension of the boundary line, as proposed by the address of the House of Burgesses to you in December last, would never have been consented to by the Cherokees; or, if their consent could have been obtained, that settlement, so far to the westward, would not only have been inconsistent with the true principles of policy, but would also have been the ground of continued jealousy and disputes; and therefore it was very pleasing to me, to find that the House had receded from its claim, and closed with the proposal contained in my letter to you of the 13th of May, 1769.[130]

Some of the speculators were not yet ready to give up all hope of securing more extensive boundaries. On August 17, 1770, several Cherokee chiefs appeared before the colonial council at Williamsburg to discuss the question of western cessions. Governor Botetourt's mind was prepared for the Indians' speeches by a letter from Andrew Lewis, dated July 6, complaining of Superintendent Stuart's criticisms of Virginia's proposals and intimating that much better terms could be obtained by dealing directly with the Cherokee than through the mediation of the southern superintendent.

[130] Virginia *Magazine of History and Biography*, vol. xiii, 140.

Forged letters from some less well known speculators were also sent to the governor. One of the Cherokee chiefs spoke at length and informed the council that his people were ready to grant all the land the Virginians wanted. The governor was uninfluenced by the proceeding. He was in favor of promoting the land interests of his colony, but he was too good an administrative officer to attempt such a direct interference with the functions of another office. His answer both to the Indians and to Lewis was that cessions of land could be obtained only through the mediation of the superintendent.[131]

Stuart did not learn of this effort to circumvent him until he had completed his own negotiations at Lochaber; here, in October, 1770, he met one thousand Indians and carried out his promise to the Virginians. He reported to Lord Hillsborough: "Every step that could be thought of was taken by a set of self interested men in the province of Virginia to embarass me, in the settlement of a boundary line. Emissaries were sent into the nation, to practice upon the Indians, and prevail upon them to refuse treating with me."[132] Stuart was able to carry through his own plans, however, in the face of this opposition. He pointed out to the Indians the necessity of changing the line in order to include the settlements on the Holston River. The Indians were not disposed to make so large a cession as was demanded, but the southern superintendent was successful in his arguments; and it was finally agreed that the line should follow approximately the course accepted by the Virginia assembly and approved by Hillsborough.[133]

131 Enclosures in Stuart to Hillsborough, November 28, 1770 in Public Record Office, *Colonial Office Papers*, 5.72, p. 29.

132 Stuart to Hillsborough, November 28, 1770 in *idem*.

133 At its southern extremity Long Island was omitted, but the Indians offered to compensate Virginia for this by running the line more to the west.

By the treaty of Lochaber in 1770 the Virginians obtained all that they could hope to secure by ministerial authority and with this they seem to have been contented temporarily. When the time came to make the survey of the boundary line they did succeed in acquiring a slight increase of territory for settlement, but not sufficient to arouse objections in ministerial circles. The boundary was surveyed by the commissioners of Virginia and of the Cherokee in 1771; but a report of the result was not sent to the home government until March, 1772. It fell to the lot of Lord Dunmore, who had meanwhile become governor of Virginia, to bring the change in the line to the notice of the ministry. He wrote:

> Your Lordship will observe that this line is not exactly run according to the instructions sent by your Lordship to Mr. Stuart, the superintendent of Indian affairs, but that it takes in a larger tract of country than by those instructions they had permission to include, though greatly short of what the colony, by their memorial to Lord Botetourt which has been transmitted to your Lordship, were desirous of obtaining.[134]

His explanation is that the line which had been agreed upon would have been very difficult to survey on account of the mountains and rivers and therefore the commissioners at the earnest request of the Cherokee have marked a natural boundary by running the line from the Holston to the Louisa River and down that stream to the Ohio. Thus, wrote Dunmore, "they have established a natural boundary that can never be mis-

This Stuart refused. The text of the treaty is found in Stuart's letter of November 28, 1770, *op. cit.* It is printed in the House of Burgesses, *Journals, 1770-1772*, p. xv; and in Hall, *Sketches of History, Life, and Manners in the West*, vol. ii, 256 ff. A map of the line agreed upon was inclosed in Stuart's letter. It is in Public Record Office, *Colonial Office Papers*, 5.72, p. 675.

[134] Dunmore to Hillsborough, March, 1772 in Virginia State Library, *Aspinwall Transcripts*. The original is in Public Record Office, *Colonial Office Papers*, 5.1350.

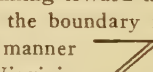
taken, and must for ever banish all dispute and contention about it." The river thus chosen by the surveyors as the boundary line is still called the Louisa and is a branch of the West Fork of the Big Sandy River which marks the present boundary between West Virginia and Kentucky.

Scarcely had this agreement with the Cherokee been made, when it was asserted in several interested quarters that the line established by the surveyors was the Kentucky River, but whether this change of identity was due in the first place to an error perpetuated by financial interests or was made originally for the purpose of promoting speculation it is difficult to determine.[135] The author of this error was the superintend-

[135] This change of identity has been accepted by historians. See map illustrating Royce, "The Cherokee Nation of Indians" in Bureau of Ethnology, *Fifth Annual Report*, in pocket at end of volume; this map is reproduced in the House of Burgesses, *Journals, 1770-1772, frontispiece.* The map illustrating my essay, "The British Ministry and the Treaty of Fort Stanwix" [Wisconsin Historical Society, *Proceedings, 1908*, p. 176] makes the same error and does not show the line of 1768. The proof of the identity of the boundary river with the modern Louisa is that every published map of the time calls the Kentucky River either "Kentucke," "Cuttawa," or "Catawba" and marks the Louisa River as a branch either of the Cole or of the Great Kanawha, the former being a branch of the latter. The contemporary maps also misplace the Big Sandy, so that its branch the Louisa is not recognized as flowing into it. See Evans, *General map of the Middle British Colonies*, (1755); Fry and Jefferson, *A map of the most inhabited part of Virginia, etc.*, originally published in 1751, but may be found in Jefferys, *American Atlas*, (1778); Mitchell, *Map of the British and French Dominions in North America*, (1755). The foregoing were the maps used in Virginia in 1771. Even Hutchins, *A new map of the western parts of Virginia, etc.*, (1778), shows the Louisa as a branch of the Great Kanawha. In Fry and Jefferson's map only the upper branches of the Louisa River are depicted but these could not possibly belong to the Kentucky.

The Cherokee were very loath to part with their lands without payment and to assume that they nonchalantly threw in all the territory between the line of the treaty of Lochaber and the Kentucky River seems almost inconceivable. Of course the Virginians might have prevailed upon the Indians of the surveying party by using the usual methods, but the change in the line was accepted by all the chiefs. See Cameron to Cherokee, February 5, 1772 in *Draper Manuscripts*, KV., *Miscellanies*. From the same source we learn

ent of Indian affairs for the Southern Department. Lord Dartmouth, the successor of Lord Hillsborough as colonial secretary, anxious to familiarize himself with conditions in the West, urged Stuart to prepare a map showing the whole southern Indian boundary line. After some unavoidable delay the map was prepared and sent to England on February 25, 1773.[136] Most of the accompanying letter is taken up with an explana-

that a "few presents" would be sufficient to satisfy the Indians. The report of the change of line as made by Lord Dunmore to Dartmouth seems to preclude the possibility of a fraud in the extension of the line. He wrote that the commissioners "have nevertheless conducted it [the line] as nearly as possible conformable to their orders," a description that does not apply to the Kentucky River, to reach which they would have had to turn out of their course and to go west. Dunmore then goes on to say that they ran the line "down that river [Holston] a small distance, to a place from whence they had an easier access than was anywhere else to be found, to the head of the Louisa River, which they followed to its conflux with the Ohio. Thus except where they cross from Holstein's to Louisa River, which being of no great distance and the country passable, they have been able to be particularly careful in marking, they have established a natural boundary." The land lying between the Holston and the Kentucky Rivers could not be described as "of no great distance and the country passable," since the Cumberland mountains intervene, whereas the description is correct for the country between the Holston and the river which, since the seventh of June, 1750, when Dr. Thomas Walker named it, down to our present time, has been called the Louisa. See Walker, *Journal of an Exploration* (ed. Rivers), 60. A letter from Captain Andrew Hammond to H. Stanley, dated New York, December 6, 1772, establishes absolutely the above interpretation. He writes that Lord Dunmore, himself, and others had determined to petition the government for a cession of land lying between the boundary accepted by the Cherokee at the treaty of Lochaber and that run by the commission of surveyors in 1771. In regard to the changed line, he writes that the commissioners were informed by the Indians "That if they went a small distance further west, than was directed by government, they would find a river running toward the north, which would carry them to the exact north point of the boundary intended to be drawn. This alteration caused a corner in this manner  to be added to the colony, which contain many thousand Virginia acres of land."—*Dartmouth Manuscripts*. This description would fit a branch of the Great Kanawha and approximately one of the Big Sandy, but in no way does it describe the Kentucky. Search has been made both in London and Richmond, Virginia, for the report and map of the leader of the surveying party, Colonel Donelson, which would settle the question, but these have been lost.

[136] Stuart to Dartmouth in Public Record Office, *Colonial Office Papers*, 5.74, p. 123. The map is entitled "A Map of the Southern Indian District of

tion of the reasons for changing the Virginia line as agreed upon at the treaty of Lochaber. Stuart closed this discussion with the following:

> What Coll Donalson the Virginian Surveyour calls Louisa River in his report, and which forms the present boundary, is in Mitchell's map called Catawba or Cuttawa [Kentucky] River by which map Louisa River is made to fall into the Kenhaway.

The question naturally arises: why did John Stuart give to the Kentucky a name which it had never borne before? To find the answer to the question is not an easy matter. It seems incredible that the southern superintendent was not well informed of the events that occurred during the survey, since his deputy, Alexander Cameron, was a member of the party. A natural supposition, therefore, is that some financial influences moved him. The Virginians would have seized any opportunity to secure the Kentucky River as their boundary and may have persuaded Stuart to this act. There is evidence of a later doubt in the minds of speculators about the actual river selected, but no proof has been discovered that any Virginian tried to make the doubt a basis for settlement.[137] There was in North Carolina a company of land speculators, whose leading spirit was Richard Henderson, who were planning at this very

North America compiled under the direction of John Stuart, Esq., His Majesty's superintendent of Indian affairs and by him humbly inscribed to the Earl of Dartmouth, His Majesty's principal secretary of state for the colonies." There is no date.

[137] The case against the Virginians is very weak. The information about the dispute referred to may be found in Thwaites and Kellogg, *Dunmore's War*, 5, 20, 26; but when the dispute was determined, those chiefly interested seemed satisfied to have it settled, even if the boundary was the Louisa. There is little evidence that the Virginians actually called the Kentucky River the Louisa. See "Hanson's Journal" [*idem*, 122] for the following: "[May] 15th, [1774] We lay here [mouth of Kentucky] in hopes of somebody's coming down to let us know where the line came down the Ohio (i.e. the line Col. Donaldson run between us and the Cherokees), which line is said to be Kentucky River itself." Opposite page 30 of the same volume is a map of the Holston River region on which the boundary line is shown as running

time to secure a title to the whole region west of the Kentucky River and also to a considerable tract on its upper waters. They must have been on terms of intimacy with Stuart and may have used him for their ends. Their company was at one time called the Louisa, but there lacks any proof of a financial connection between Henderson and the southern superintendent.[138] A third set of men, members of the well known Walpole Company, whose history will be told in the next chapter, were planning to found a colony east of the Kentucky River, and these made immediate use of this extension of the boundary line; but there is no indication of their exerting any influence on Stuart. Since no competent testimony exists to connect Stuart with any of the land companies whose enterprises he seems to have consistently opposed, his identification of the Kentucky River with the Louisa may be explained as merely a mistake. He used as the basis of his map the one drawn by John Mitchell, in which the details of the region involved are very incorrect. On examination of this Stuart found that a surveying party passing north from the Holston River would apparently have been obliged to cross the upper waters of the Kentucky before they could have reached the real Louisa. He may have inferred, therefore, that the surveyors and the In-

to the northwest, but it is stated that it was drawn on hearsay evidence. At the north of the map some rivers are noted and marked, "Heads of a river commonly called Louisa." This is evidently the branch of the Big Sandy. According to James Hall [*Sketches of History, Life and Manners in the West*, vol. i, 248], Colonel Donelson, the surveyor, stated that the Louisa River was the Kentucky, but it is probable that the phrase of identification, "now Kentucky river," is an interpolation in the quotation by Hall rather than a part of the original statement.

[138] More details will be given of this enterprise in a later chapter. See Alden, *New Governments west of the Alleghanies*, 49 ff.; Henderson, "The Creative Forces in American Expansion," in *American Historical Review*, vol. xx, 86 ff., and "Richard Henderson and the Occupation of Kentucky" in Mississippi Valley *Historical Review*, vol. i, 341 ff.

dians committed a blunder. This explanation is weak, but it may be the true one.

The act of Stuart, whether due to a mistake or to the influence of financial interests, met a favorable reception in London. Lord Dartmouth, the successor of Lord Hillsborough, was an advocate of western expansion and was a patron of the Walpole Company, which was interested in the region of western Virginia. He had no objections, therefore, to the changed line. He probably thought that this very question had been practically passed upon by his colleagues when they discussed in cabinet meeting the letter from Lord Dunmore sending information of the act of Colonel Donelson's surveying party. He therefore wrote with great confidence:

> The map of North America with the Indian boundary line marked upon it and the separate plan of that line enclosed in your letter, No. 5, will be of very great use, and I am happy to find that the Cherokees in finally fixing the line on the side of the intended new government [Vandalia] upon the Ohio have chosen a natural boundary which will prevent future disputes and give greater scope to those settlements which are the object of the measures His Majesty has adopted.[139]

[139] There is no question about the discussion in the cabinet, for among the *Dartmouth Manuscripts* is a "Memorandum of business upon which the king's pleasure is to be taken." Number 4 is: "For taking the sense of the cabinet upon Lord Dunmore's letter, containing an Acct. of the running of the boundary line between Virginia and the Indian country, by which a much larger district (several million of acres) is taken into Virginia, than was stipulated for by the treaty made in the king's name with the Cherokees." In order to avoid a misinterpretation of the above, it must be remembered that the cabinet had authorized the line of the treaty of Hard Labour of 1768 and that the "several millions of acres" were situated between that line and the new line of Lochaber, as reported by Lord Dunmore. Dartmouth's letter, dated May 5, 1773, is in Public Record Office, *Colonial Office Papers*, 5.74, p. 191. It is fairly evident that Dartmouth did not appreciate the variation between the lines reported by Dunmore and Stuart. A knowledge of American geography was not cultivated by many of the British statesmen of the eighteenth century.

## IV. PLANS FOR THE UPPER OHIO VALLEY

*It was in order to enlarge their plantations of staple commodities for Britain, and to find lands for that purpose, that the colonies extended their settlements beyond the mountains, to the river Ohio; from which the French expelled them, which was the immediate occasion of the war. These territories are the only object in all North America to this nation, and by cultivating these she might have some recompence for the many millions that have been expended, which there is no other way to obtain.* – Doctor John Mitchell.

To-day ten great states with millions of people flourish within that territory back of the mountains, from which the British ministry was willing to open for immediate settlement only a part of present-day West Virginia. When France in 1754 tried to confine the British colonies within approximately these same boundaries, the mother country marshalled her armies and navies on the fields and oceans of the world to repel that attempt. Circumstances had changed. Through the exigencies of politics a British ministry had now established the same limits to colonization. In trying to maintain these boundaries did Great Britain, like France, lose an empire?

From all indications the ministers were well satisfied with their labor in devising the policy of 1768, and they evidently thought that the western problem could be dismissed from their minds as solved. With characteristic carelessness they had neglected, however, to remove the prohibition of emigration contained in the proclamation of 1763 or to provide a government for the region which was supposedly open to settlement. This

oversight did not become of political importance immediately, and no general discussion of the disposition of the region is recorded until after the activity of speculators and the great immigration of settlers forcibly called the question to the attention of the cabinet during the opening months of 1770.

The real problem offered by the territory was to remain unsolved until the outbreak of the American Revolution. The delay can be ascribed to two main causes: the uncertainty as to ownership, whether imperial or Virginian, and the numerous applications for the privilege of exploiting the region. The question as to the sovereignty remained unsettled, but the contemplated action of the British administration offers proof that the government of the mother country looked upon the transmontane region which had been paid for by the royal treasury as imperial domain. Although the government of Virginia never made an official contradiction of this imperial assumption, the activities of her citizens reveal an increasing unwillingness to abandon their charter claims without a struggle.

The first company to register an application for the territory was that of the "Military Adventurers" with whom were associated those who had joined Samuel Hazard's colonial scheme. Their agent, General Phineas Lyman, had been for several years petitioning for the establishment of a colony on the banks of the Mississippi, but now that the far West was reserved for the Indians, he drew up a petition for the region bounded by the Ohio and Great Kanawha Rivers, the Alleghany Mountains, and the colony of Pennsylvania. This petition was referred, on May 31, 1768, by the Privy Council to the Board of Trade, which body did not take it under consideration until a year later when the agitation

over Sir William Johnson's act in securing the large cession from the Iroquois was still an issue. A favorable report could not be expected under the circumstances. Under the influence of Lord Hillsborough the Lords of Trade applied to this proposition the same reasoning that was used in regard to Lord Shelburne's plans and ignored the fact that the purchase from the Indians had been made with the intention of promoting a moderate westward expansion.[140]

The Mississippi Company, represented by Doctor Arthur Lee, had also seen the futility of pursuing its intention of settling in the far West and petitioned in December, 1768, for the grant of "2,500,000 acres of land, in one or more surveys, to be located or laid off between the thirty-eighth and forty-second degrees of north latitude, the Alleghenny Mountain on the eastward, and thence westward to the dividing line." The company desired that the land be free of all quitrents and taxes for twelve years or longer.[141] Their reasons for asking such favorable terms were that they would incur "great expense, dangers, hardships, and risques" in preparing for settlement and that "large tracts of land taken up by companies may be retailed by them to individuals much cheaper than the latter can obtain them from the crown, embarassed as such individuals must be with the charges arising from the solicitation of patents, making surveys and other contingent ex-

[140] Public Record Office, *Colonial Office Papers*, 5.67, p. 367; *idem*, 391.76, p. 89. The Report of the Board dated May 11, 1769, is found in *idem* 5.1336, p. 327.

[141] Privy Council Office, *Unbound Papers*, 1768 (2). The petition was read in council on December 16, 1768, and was referred to the Board of Trade on March 9, 1769, but the latter did not consider it till May of the next year. *Statement for the Petitioners in the Case of the Walpole Company Grant*, 19; *Considerations on the Agreement of the Lords Commissioners of His Majesty's Treasury etc.*; Public Record Office, *Colonial Office Papers*, 391.76, pp. 91, 93; *idem*, 391.77, p. 15.

pences." The petition of the Mississippi Company was not pressed by its agent at this time. This may have been due to the belief that another Virginia enterprise in which many members of the Mississippi Company were interested had a better chance of success. The old Ohio Company was still hoping to obtain a confirmation of its title, and now its agent, Colonel Mercer, presented its case to the administration. In the end, however, Mercer preferred to merge his company in a scheme that promised greater prospects of accomplishment.

There has been already narrated the story of Samuel Wharton's negotiations at Fort Stanwix that led to the cession of a large tract of territory by the Six Nations to the traders who had suffered loss of property at the outbreak of the last Indian war. This tract lay well within the Indian boundary line. The men who were interested in this cession realized the value of obtaining the royal assent to the grant, if they were to enter into possession of their title. They, therefore, determined to pay the expenses of Samuel Wharton and Colonel William Trent on a trip to England to solicit the confirmation of their cession. For this purpose articles of agreement were drawn up on December 30, 1768,[142] and the next month the two agents sailed.[143]

The exclusive claim of these merchants for retribu-

[142] The names appearing in the Articles of Agreement, besides those of the two agents, are Sir William Franklin, George Croghan, John Baynton, George Morgan, and Robert Callender; but there were many other traders named in the Indian deed of cession. Besides the above there were David Franks, Joseph Simonds, Levy A. Levy, Philip Boyl, Joseph Spear, Thomas Smallman, John Walsh, deceased, Edmund Moran, Evan Shelby, Samuel Posthwait, John Gibson, Richard Winston, Dennis Crohon, William Thompson, Abram Mitchell, James Dundas, Thomas Dundas, and John Ormsby. See "Aspinwall Papers" in Massachusetts Historical Society, *Collections*, fourth ser., vol. x, 605.

[143] *Johnson Manuscripts*, vol. xvii, 55.

tion from the Indians did not escape without contest. Trent and Wharton had formed the traders claiming losses from the Indians into a company on terms very favorable to themselves; but some merchants had refused to join and others were not invited, particularly those whose losses occurred in 1754. These, anticipating the action at the treaty of Fort Stanwix, sent a petition to the king in October, 1768, for reimbursement by a grant of land; and later a letter was written to General Monckton in which the activities of Wharton and Trent were painted in no favorable colors. The rivals desired to see a colony created out of the purchased territory and a commission appointed to distribute land equitably to all sufferers from the Indians.[144]

Against this attempt to thwart their purposes Wharton and Trent took all precautions. They collected written statements from their friends in which the losses of 1754 were said to be of no moment, and they obtained letters of introduction to prominent politicians. Sir William Johnson introduced Wharton to Lord Shelburne as "an eminent merchant . . . well acquainted with American affairs particularly those of a commercial nature, and has had many opportunities of informing himself on the Indian trade and in many other matters relative to their affairs."[145]

The traders could not have selected a man better qualified than Samuel Wharton to conduct their nego-

[144] "Aspinwall Papers" in Massachusetts Historical Society, *Collections*, fourth ser., vol. x, 604 ff., 608 ff. Samuel Wharton said that he had seen a copy of the petition and that it did not contain "One single fact." Wharton to Johnson, January 11, 1769 in *Johnson Manuscripts*, vol. xvii, 35. See also petition of Moses Franks, January 15, 1768 in Privy Council, *Acts*, vol. v, 601, and that of David Franks and others, June 9, 1770, wherein it is petitioned that no grant of land by the Indians "by way of Retribution" be confirmed unless it contain the names of the petitioners. See *idem*, 198.

[145] Johnson to Shelburne, February 16, 1769, *Johnson Manuscripts*, vol. xvii, 70.

tiations with the British ministry. He was an excellent type of the pushing eighteenth-century business man, who had received in Pennsylvania politics a thorough training in the art of uniting influential men in support of financial enterprises. He was now to employ his genius in a larger field and was to discover that the motives and methods of politicians in the old world did not differ from those with which he had been long familiar in the new; and that an appeal to self-interest was as potent in securing influence in the mother country as in the colony. His personal activity and sagacity won the support of some of the most powerful politicians of Great Britain. "In truth he has acquired better connections here, than any other American that I know of, ever did," wrote William Strahan to Sir William Franklin.[146]

Very shortly after reaching England Wharton discarded the idea of securing the endorsement of the land cession to the traders, because he realized that the opposition to such a course was too strong,[147] and he soon became involved in a land scheme which promised greater profits and would at the same time assure the plans of his partners.[148] This was the formation of a

[146] April 3, 1771, Franklin, *Papers*, vol. v, 212, xlviii, 139 a. On April 20, 1771 Franklin wrote of Wharton to his son that "scarce any one I know besides would have been equal to the task." – Franklin, *Writings* (ed. Smyth), vol. v, 314.

[147] It will be seen in chapter xix that he also obtained a legal opinion from Lord Camden and Charles Yorke that seemed to make unnecessary the imperial consent to the grant.

[148] The material for writing a history of the new plan of Wharton's has proved to be enormous, and there are probably many more manuscripts than I have found. The chief depositories from which I have obtained copies are, the Public Record Office, British Museum, Dartmouth House, Pennsylvania Historical Society [the Ohio Company, *Papers* and the *Wharton Correspondence*], American Philosophical Society of Philadelphia [the Franklin, *Papers*], Library of Congress [*Dunmore Manuscripts*], and New York State Library [the *Johnson Manuscripts*]. Besides these there are the various pamphlets,

company for the purpose of purchasing a very large tract in the territory recently acquired from the Six Nations by the empire. Wharton's experience had taught him that the success or failure of such a company would depend on the political forces that should be aligned in its favor, and in securing the assistance of politicians he was most successful.

His letters of introduction, his financial connections, and his close friendship with Benjamin Franklin brought Wharton in touch with three factions, the Pittites, the followers of the king, and the Grenvillites. Politics had undergone great changes during 1768. The Pittites were divided into an administration and an opposition group, under the leadership of the Duke of Grafton and the Earl of Chatham respectively. The latter shortly after his secession from the ministry had become reconciled with his brother-in-law, George Grenville; and these two had united with their former enemies, the Old Whigs, to form an opposition that was most unstable on account of the diverse principles maintained by the different groups.[149]

Wharton's introduction to Lord Shelburne from Sir William Johnson seems to have won him no favor among the followers of that nobleman, at least no one of the opposition Pittites joined the company; and there is some reason to think that Lord Shelburne actually opposed the undertaking.[150] With the administration

which will be found in the "Bibliography." The plan of this work does not call for a history of the acts of the company in America, and, therefore, a great part of the material which I have collected can not be used. Some day it is my hope to see written a full account of this interesting speculation with all its ramifications.

[149] Burke, *Correspondence*, vol. i, 173-179; Pitt, *Correspondence*, vol. iii, 349, 359. The opposition held a dinner on May 9, 1769, to celebrate this union. See *idem*, 359, *footnote* 1. The best modern account is to be found in Winstanley, *Lord Chatham and the Whig Opposition*, chapter v.

[150] *Considerations on the Agreement*, etc., *passim*.

Pittites he was, however, much more successful.[151] For the building up of political influence no more experienced assistant could have been secured than Thomas Bradshaw, a political heeler of the Duke of Grafton, at the time an under-secretary of the treasury, and suspected of being the true power in administration.[152] Horace Walpole declared that Bradshaw was responsible for carrying the land company through its earliest

[151] The following is a list of the members of the company:

"Names of persons to be inserted in the Grant of Lands on the Ohio:

| | |
|---|---|
| The Earl of Hertford | Earl Temple |
| Lord Camden | The Hon. Thomas Walpole |
| Richard Walpole | Robert Walpole |
| Sir Matthew Featherstonhaugh | Richard Jackson, Esq |
| Thomas Pitt Esq | John Robinson Esq |
| Grey Cooper Esq | Thomas Bradshaw Esq |
| Arnold Nesbit Esq | Sir Wm Johnson Bart |
| Anthony Todd Esq | Robert Trevor Esq |
| John Sargent Esq | Benjamin Franklin Esq |
| Samuel Wharton Esq | Moses Franks Esq |
| Naphtali Franks Esq | John Franks Esq |
| William Franklin Esq | Laughlin Macleane Esq |
| Robert Wood Esq deceased | Richard Stonehewer |
| Joseph Galloway | Thomas Wharton |
| William Strahan | George Mercer |
| Henry Dagge | John Cornwall |
| John Foxcroft | Robert Ellison |
| Sir George Vanderput | Joseph Wharton Senior |
| Henry Ellison | William Trent |
| George Maddison | Michael Colling |
| Atkinson Robinson | John Maddison |
| Sir Francis Charton | John Dagge |
| Thomas Todd | Andrew Strahan |
| Joseph Wharton Junior | George Winter |
| George Allen | Charles Wharton" |

This is in the Public Record Office, *Colonial Office Papers*, 5.1336 f. 575: "Annexed to Representation of the Board of Trade to the King, 6 May, 1773." Other names of members not in this list were Sir George Colebrooke, Thomas Pownall, *idem*, 1332 f. 283. The names of Lord Gower and Lord Rochford should be also added to the list, but the history of their connection will be told in a later chapter.

[152] Walpole, *Memoirs of George III.*, vol. iii, 113, 231, vol. iv, 45; Wraxall, *Memoirs*, vol. i, 336, 351.

stages.[153] It was a Pittite also who was to give his name to the company. This was Thomas Walpole, banker and politician. He was the second son of Horatio Lord Walpole and nephew of Sir Robert Walpole. His earliest political associations had been with the Old Whigs, whom he deserted under the spell of Pitt's eloquence;[154] but he now preferred to unite his financial and political hopes with that branch of the Pittites who remained, after the resignation of Pitt and Shelburne, in the ministerial ranks with the Duke of Grafton and Lord Camden.[155] Lord Camden himself, who was still a member of the administration, took shares in the company and at every crisis was a valued adviser. Other members of this group were Richard Jackson, who was appointed in 1770 counsellor to the Board of Trade,[156] Laughlin Macleane, and Richard Stonehewer, undersecretary of the treasury.

Although the Philadelphia promoter was not so successful with the Grenvillites as with the quondam followers of Chatham, still he scored a distinct triumph when he induced George Grenville himself to lend his name to the speculation.[157] The principle of gradual westward expansion had been one which Grenville had always upheld. Two of his followers also became very prominent in the councils of the company. One was the most distinguished admirer of Grenville, Thomas Pownall.[158] He had been governor of Massachusetts,

[153] Walpole, *Last Journals*, vol. i, 125.

[154] Walpole, *Memoirs of George III.*, vol. i, 107, *footnote*, vol. ii, 134.

[155] Walpole, *Last Journals*, vol. i, 350.

[156] Galloway to B. Franklin, June 21, 1770 in Franklin, *Papers*, vol. iii, no. 118.

[157] On Grenville's early connection with the enterprise, see *Statement for the Petitioners*, 28. Earl Temple represented the estate after his brother's death.

[158] Though Thomas Pownall was not a blind follower of George Gren-

where he had perceived more clearly than the usual British official the potentialities of colonial development and had become an early advocate, as has been seen, of the establishment of two barrier colonies. The plan which Wharton was promoting must have reminded him strongly of his own proposal made fifteen years before. The other member of the faction who wished to make his fortune from the sale of lands on the Ohio was Thomas Pitt, who had preferred to link his political future with that of the less brilliant member of the Grenville connection rather than to bow his head before the arrogance of William Pitt.[159] This alignment of the Grenvillites in support of the land speculation was to prove a stroke of fortune, when later they abandoned the cause of opposition and took their place among the administration forces.

The most prominent member of the court faction secured by Wharton's diplomacy was Lord Hertford, the brother of General Conway. His office of lord chamberlain gave him direct and frequent access to the king, with whom he had great influence which, as will later appear, was exercised at a critical moment in favor of Wharton's scheme.[160] Almost equal in importance in administrative circles to Bradshaw was John Robinson, who in January, 1770, when Lord North was made principal minister, became under-secretary of the treasury. He was in charge of the government's corruption fund which he used with great dexterity in winning votes from the opposition.[161] In this operation he was

ville and called himself an "independent," still the biographer of the doughty governor regards him as sufficiently a Grenvillite to make him a candidate for the honor of being the author of those Grenvillite political letters that were written by Junius. See *Pownall, Thomas*, 346 ff.

[159] *Dictionary of National Biography*, Art., "Thomas Pitt."

[160] Hume, *Letters to William Strahan*, 160, 162, *footnote* 3.

[161] *Dictionary of National Biography*, Art., "John Robinson."

ably assisted by Grey Cooper, a joint secretary of the treasury. Cooper had entered into office under the Old Whigs in 1765, but his adaptability made him acceptable to many ministers until the close of the American war.[162] An influential politician of the same stamp as the above was Robert Wood, a Bedfordite, holding the position of secretary to Lord Weymouth at the time of the formation of the land company.[163] By winning over these under-secretaries and secretaries in various departments to his plans, Wharton had secured skillful assistants whose opinions were of weight with their several chiefs. Moreover, it is possible, as at times the sources seem to indicate, that some of these underlings were holding shares for their superiors.

In financial circles Wharton was careful in the selection of his supporters. Besides Thomas Walpole, already mentioned, there were among the share-holders of the company several men of high standing in the business world. Sir George Colebrooke was a director of the East India Company and one of the most prominent advisers of government concerning matters pertaining to the East. John Sargent, Arthur Todd, and the Franks were all men of affairs. The Americans were equally well selected. Sir William Johnson's position as a superintendent of Indian affairs gave great weight to his advice. Benjamin Franklin was the best known colonial of his time and in some political quarters his opinion was still esteemed. The Whartons, Joseph Galloway, and William Trent were all very prominent on this side of the Atlantic.

The company, probably with only a few members, was originally formed to purchase two million five

[162] *Dictionary of National Biography*, Art., "Grey Cooper."

[163] —*Idem*, Art., "Robert Wood."

hundred thousand acres of land in Virginia within the territory ceded by the Six Nations. Their first petition was dated June, 1769,[164] at which time there was evidently no intention of establishing a new colony. The proposition then rested until December, when on the fifteenth John Pownall, one of the under-secretaries of state for the colonies, wrote that the petition had been received and that the twentieth had been set for its consideration.[165]

On the appointed day several members of the company attended. Lord Hillsborough received them in a most friendly manner and replied to their petition as follows:

> He wondered it should have been a doubt among the gentlemen, that government would sell the king's lands in North America: that he thought their best plan would be to purchase a tract of land sufficient for a separate government, and not to garble the country in the manner proposed by the petition; but that it did not belong to that board to sell the king's lands. It was a monied matter, and of course belonged to the treasury.

The gentlemen of the company answered that they were willing to purchase such an extensive tract and "that they would be at the whole expense of establishing and maintaining such government." Having received this satisfactory answer, Lord Hillsborough offered to step down to the Lords of the Treasury, then in session, and to find out if they would entertain the proposition, and he added "that if the company agreed with the treasury, he would give them the plan of a good charter." Hillsborough's application to the Lords of the Treasury resulted in a favorable answer, which he immediately reported.[166]

[164] Privy Council (Colonial), *Acts*, vol. v, 202. This petition was referred on August 8, 1769, to the Board of Trade.

[165] *Statement for the Petitioners*, 12.

[166] This account is taken from the *Statement for the Petitioners*, 12, but the

The new plan called for a reorganization and enlargement of the original company; additional funds had to be raised; and influential men had to be convinced that public spirit in promoting the cause of western settlement would redound to their private advantage. This reorganization was agreed upon at a meeting of the original company on December 27, 1769.[167] Seventy-two shares were created, the traders and George Croghan being provided with their proportional number. A new petition was drawn up praying for authority to purchase from the crown a tract of territory estimated to contain twenty million acres,[168] for

substance of it is to be found in many other places. The minutes of the Board of Trade *Journal* also contain a similar account without actually naming Lord Hillsborough as the messenger to the lords of the treasury. See Public Record Office, *Colonial Office Papers*, 391.76, p. 298. For a similar statement of Hillsborough's action, see T. Pownall to Johnson, April, 1770, Washington, *Writings* (ed. Ford), vol. ii, 328, *footnote*. The later narrative will show that Lord Hillsborough opposed the completion of this purchase, but his own story of the occurrences of December 20, 1769, proves that the above event did take place. The motives of his action, which he tried to explain, will be discussed in a later chapter. Hillsborough's account is given in "Knox Manuscripts," in Historical Manuscripts Commission, *Report*, vol. vi, 253.

[167] This meeting at the Crown and Anchor Tavern offers some evidence on the original membership. There were present: Benjamin Franklin, Thomas Walpole, Richard Walpole, Thomas Pownall, Samuel Wharton, Anthony Todd, John Foxcraft, Robert Trevor, William Trent, John Maddison, Naphtali Franks, John Sargent, Henry Dagge, John Dagge, Henry Ellison, Richard Ellison. Pennsylvania Historical Society, Ohio Company, *Papers*, vol. ii, 37.

[168] The boundaries of the territory for which petition was made were: "Beginning at the south side of the river Ohio, opposite to the mouth of the Scioto, then southerly through the pass of the Ouasciota Mountains, to the south side of the said mountains, thence along the side of the said mountains north-easterly to the Fork of the Great Kenhawa, made by the junction of Green Brier River and the New River, thence along the said Green Brier River, on the easterly side of the same, unto the head or termination of the north-easterly branch thereof, thence easterly to the Allegany Mountains, thence along the said Allegany Mountains, to Lord Fairfax's line, thence along the same to the spring-head of the north branch of the river Potomack, thence along the western boundary line of the Province of Maryland to the southern boundary line of the Province of Pennsylvania, thence along the said boundary line of the Province of Pennsylvania to the end thereof, thence

which the new company, called officially the Grand Ohio Company but more commonly the Walpole Company, offered to pay £10,460 7s. 3d. (the exact amount expended by the empire at the treaty of Fort Stanwix) and a quitrent of two shillings for every hundred acres of cultivable land after the expiration of twenty years.[169]

Everything was now ready for the next move. The proposal in its new form was brought before the Lords of the Treasury. It was considered at a meeting of the board on January 4, 1770, when there were present the Duke of Grafton, the principal minister, Lord North, in a few days to become Grafton's successor, Onslow, and Jenkinson. These agreed tentatively to accept the terms, provided the other departments of government approved of the general policy. The question of the amount of quitrents was referred to Lord Hillsborough who was instructed to investigate the subject and report.[170] On April 7 the Lords of the Treasury signified their full acceptance of the offer, but they insisted on the insertion in the proposal of a statement that the civil establishment of the colony was to be supported by the company.

The land for which Wharton and his associates were petitioning was a part of the colony of Virginia, whose speculators at this very time were exploiting it. They were attempting, as was narrated in the last chapter, to remove the Cherokee boundary line farther to the westward in order that they might secure control of even a larger area than that desired by the company formed in

along the western boundary line of the said province of Pennsylvania until the same shall strike the river Ohio, thence down the said river Ohio to the place of beginning." – *Facts and Observations*, 156; Privy Council (Colonial), *Acts*, vol. v, 208.

[169] *Statement of the Petitioners*, 13 ff.

[170] A report on the quitrents was made to the Treasury on January 19.

London. Two sets of speculators had, therefore, legitimate hopes that this same territory, which had been purchased at the treaty of Fort Stanwix by the empire, might be delivered over to them. Both sets had their patrons among the politicians of Great Britain, though those who upheld the contentions of the Virginians worked so indirectly that it has been impossible to discover who they were. The narrative of events will show, however, that Wharton met with many difficulties and delays which are inexplicable, unless they are ascribed to the influence of those who viewed with kindly eyes the advance of Virginians into the upper Ohio Valley.

The first news of the proposed colony was sent to Virginia by the agent of the colony, Edward Montagu. On January 18, 1770, he wrote to the Committee of Correspondence that he had just learned from the Lords of the Treasury that a company had offered to purchase lands on the frontiers of Virginia for the purpose of erecting a colony.[171] He informed his correspondents that he would "devise a suspension of the plan" till notice should be sent to their government.[172] In a later letter, he warned the Virginians how menacing the danger was which threatened their western possessions. "Very great and opulent persons are combined in this attempt, and it has been conducted with so much secrecy, that till this treasury, had agreed on the consideration, no body knew of the negotiation."[173]

While Montagu was making his protests against the sale of what he regarded as Virginia's territory, a ship

[171] The several letters from Montagu on the subject are printed in the House of Burgesses, *Journals, 1770-1772*, p. xvii ff., and also in the Virginia *Magazine of History and Biography*, vol. xii, 159 ff.

[172] The caveat is printed in above.

[173] Letter dated February 6, 1770.

was carrying across the ocean that memorial of the House of Burgesses of December 29, 1769, in which it was proposed that Virginia should be permitted to extend her Indian boundary line due west so that all the territory ceded by the Six Nations should be opened to settlement.[174] Lord Hillsborough, in May, informed Mr. Walpole of the receipt of this memorial, "which appeared to his lordship to raise an objection to a part of the lands, which the company had agreed for with the treasury."[175] A reply to the claims of Virginia was immediately prepared and signed by Mr. Walpole. He asserted rather disingenuously and very untruthfully that there was no conflict between his petition and the memorial, since the boundaries of the proposed colony would not "come near the line described" by the Virginians. He went on to argue, however, that in case there should be an overlapping of boundaries, the Grand Ohio Company was entitled to the preference "from the much earlier date" of its application.[176]

The issue, which was to become with the passage of time more sharply defined, was thus joined. Wharton recognized the danger to his enterprise; and, in order to propitiate those Virginians who appeared to him to have the strongest claims in the West and the greatest political influence, he persuaded Colonel Mercer to unite the interests of the old Ohio Company with the colonial scheme; and on May 10, 1770, the latter presented a memorial to the Board of Trade in which he informed that body of the new coalition.[177] Still this

[174] See page 81.

[175] *Statement of the petitioners*, 16. Why Edward Montagu's protest had not opened the colonial secretary's eyes to this fact is not known.

[176] — *Idem*, 17, *footnote*.

[177] The agreement, dated May 7, 1770, is printed in Gist, *Journals* (ed. Darlington), 244; see also Public Record Office, *Colonial Office Papers*, 391.77, p. 107. Mercer did not immediately inform his colleagues in the old Ohio

would by no means put an end to all opposition, and Wharton realized that the earlier he could force a decision on the petition, the less opportunity Virginia would have to place her case before the administration, and therefore every effort was made to force the ministers to take more definite action. A petition to confirm the agreement with the Lords of the Treasury was laid on May 8 before the Privy Council, and this was referred to the Board of Trade on the twenty-fifth.[178]

The issue was now placed squarely before Lord Hillsborough and the Board of Trade, and escape from making a decision was difficult. Their report would be held responsible for the consequences which might follow the erection of a colony west of the mountains upon territory claimed by Virginia under a royal charter. The issue was, therefore, a most grave one, and the colonial secretary was unwilling to assume alone such a responsibility. On occasions when important policies were under discussion the great officers of state met with the regular members in what was called a Grand Board of Trade. Hillsborough determined now to have recourse to such a method of procedure so that the other members of the ministry might be associated with him in the final decision.[179] This brought the first serious check to Wharton's plans. The other ministers were not willing to remove the responsibility from Hillsborough's shoulders, and the latter was able to

Company of his action; at least George Mason appears not to have known about this agreement, though he had letters from Mercer written as late as July. This omission the latter supplied in August, 1771, when he informed his colleagues that the old Ohio Company had been assigned two shares in the new company. At the first meeting of the old Ohio Company the agreement made by Mercer was repudiated, but this action was taken probably much later, after conditions had changed. See Rowland, *Life of Mason*, vol. i, 150, 156-158.

[178] *Statement of the Petitioners*, 16.

[179] Public Record Office, *Colonial Office Papers*, 391.77, p. 133.

offer to the representatives of the land company the excuse of his failure to bring together a "full board." He finally suggested to Wharton and his friends, probably with some sarcasm, that they use their influence with his colleagues of the cabinet to bring about the meeting.[180] This excuse was sufficiently transparent to the petitioners and aroused in Mr. Walpole an anger to which he gave full vent in a sharp answer, dated July 14. "I was then, and I still am," he wrote, "at a loss to express my surprise at an event, which delays, for an unlimited time a business which has been so long before your lordship; which you was pleased to think of much importance, and which, by our agreement with the treasury upon it, has received no small encouragement."[181] The protest was in vain. The Board of Trade adjourned for the summer without taking any action.

At about the time that the Lords of Trade were thinking of taking their vacation without satisfying Wharton's hopes, Lord Hillsborough sent to the governor of Virginia an official notification of the proposed new colony.[182] In informing the London speculators of his intention to do this, he argued that "Virginia seemed much interested in the grant which the company had applied for" and that therefore she should be notified of the petition; but he also asserted that "he should immediately take the king's pleasure, as to restraining the

[180] A letter from Walpole is authority for the above. It reads: "The last time I had the honour of appearing before your lordship at the board of trade, you was pleased to acquaint me with the difficulty of assembling a full board, without which nothing could be determined in my business, and that your lordship's board would adjourn in a fortnight; so that unless I could prevail on the lords to meet within that time, no report could be made to the council." – *Statement of the Petitioners*, 18, *footnote*.

[181] — *Idem*. This is a quotation from the same letter as that mentioned in the previous *footnote*.

[182] *Considerations on the Agreement*, 4.

governor of Virginia from granting any warrants" of surveys within the territory in dispute.[183]

The information from Lord Hillsborough had the effect of uniting the Virginia land speculators in an effort to secure all they could from the wreckage of their hopes. The treaty of Lochaber was concluded in the fall of the year, and the line was surveyed the following spring. Still public opinion concerning the future of the West was not unanimous in favor of the preservation of the colony's charter rights. As early as 1759 Governor Fauquier was persuaded that it was "the opinion of all the speculative gentlemen here, that it might be more advisable to make a separate government of all the lands between the mountains and the waters" because of the difficulty of enforcing Virginia law in so distant a country.[184] This same opinion was later held by Thomas Jefferson, who told the representative of the proposed Transylvania Colony, lying to the west of the Kentucky River, that "it was his wish to see a free government established back of theirs, properly united with them."[185] That this idea of the future of the region was strong among Virginians is also proved by the fact that in the course of time the state of Kentucky was actually carved out of this territory.

Those Virginians whose speculative interests were threatened by the proposed erection of a new colony did not share this altruistic opinion. The lure of land speculation had seized them, and they could no more resist it than men of to-day can withstand the bewitching game of buying and selling stocks. Just as the men of the

[183] *Statement of the Petitioners*, 19.

[184] Fauquier to Board of Trade, December 1, 1759, House of Burgesses, *Journals, 1758-1761*, p. 282.

[185] Hogg to Henderson and Company, January, 1776 in Hall, *Sketches of History, Life, and Manners in the West*, vol. ii, 251.

mid-nineteenth century bought mines on the chance of striking a bonanza or as the men of the twentieth will stake a few dollars on the opening of an oil-well in Oklahoma, so the colonials bought land titles in the hope of fortune. The names of Washington, Lee, Henry, Mercer, Walker, Lewis, and Preston occur with the greatest frequency in the list of these "plungers" in land titles. They were besieging the council with petitions for large grants of land on the waters of the Ohio, some of them asking for cessions situated as far west as the mouth of the Tennessee River, many hundred miles beyond the Indian boundary line. Several of the council were themselves engaged in such speculations.[186] Washington is authority for the statement that "there appeared by a list laid before the House of Burgesses by order of the governor to be between 6 and 7,000,000 acres actually granted and petitioned for; and most of the grants made in such general and indeterminate terms, that if confirmed no man can lay off a foot of land to be sure of keeping it till they are served."[187] The statement is abundantly supported by "the list of early patents and grants petitioned for in Virginia" that has been preserved.[188] Between 1759 and 1764 no petitions were made for land to the westward, but after the latter date

[186] There is a list of the most important petitioners and grantees in *Statement of the Petitioners*, Appendix 5. Among the names listed are: "John Robinson, Esq; one of the council, etc., 100,000 acres . . . John Blair, Esq; one of the council, etc., 100,000 acres . . . John Lewis, Esq; one of the council, etc., 800,000 acres . . . Richard Corbin, Esq; one of the council, and three others for, 190,000 acres." In all two million acres are listed. The publication of this list was hardly fair, for these grants had been made before 1763. See Virginia's answer, October 18, 1770, in House of Burgesses, *Journals, 1770-1772*, p. xxii.

[187] Washington to his brother, January 31, 1770 in Mississippi Valley *Historical Review*, vol. i, 99.

[188] This list has been preserved among the Washington papers and is published in the Virginia *Magazine of History and Biography*, vol. v, 175 ff., 241 ff.

there was an ever increasing number of applicants for favor.

Some large undertakings were being promoted. The old Ohio Company and the Loyal Company were still expecting to settle the territories to which they had claims. Colonel Mercer had been sent to London to represent the interests of the former, and Lewis and Walker were indefatigable in their care of the latter. Arthur Lee representing the Mississippi Company had immediately registered a petition for some land in the upper Ohio Valley as soon as he learned of the completion of the boundary line, as has been seen. A new company was formed in 1767 for the purpose of establishing settlements at the forks of the Ohio. Little information has been preserved about this enterprise, but there is in existence a very interesting letter from Patrick Henry, one of the prime movers, to Captain William Fleming in which the latter is given instructions to guide him in a reconnoissance of what is now western Kentucky. One other member of the company is known. He was Mr. Walker, probably the same man who figured so prominently in every scheme to exploit the West. Henry informed his correspondent "that the outlines of the scheme are only plan'd as yet." It was later to appear, however, more definitely formulated.[189]

Colonel George Washington was a typical representative of these Virginia speculators. He had a claim to land under Governor Dinwiddie's proclamation of 1754, and in order to secure it he united his former comrades in arms into a company. He found the task of collecting these claims arduous and at times discouraging, since "the doubt of obtaining the lands, after the

[189] The letter is dated June 10, 1767, *Draper Manuscripts*, 15ZZ3.

utmost efforts, is such, as to discourage the larger part of the claimants from lending assistance, whilst a few are obliged to wade through every difficulty, or relinquish every hope."[190] His success was, however, so great that he and his associates exercised sufficient political influence to secure for their claims the strongest backing from the colonial government. This title under a local promise did not satisfy Washington's ambition to be a great landholder. When Colonel Byrd of Virginia made out a good argument for the rights of the colonial officers and soldiers to land under the proclamation of 1763, which was always interpreted in England as limited to members of the regular army,[191] Washington regarded the possibility of establishing such claims as a good gamble and instructed his brother to sound the officers he should meet as to the chance of purchasing their rights.[192] In all Washington managed to accumulate titles to 32,373 acres of land scattered in various surveys on the Ohio and Great Kanawha Rivers.[193]

While the speculators were making every effort to utilize their opportunity, the territory across the mountains was rapidly filling up with actual settlers. One of the most important phenomena in the years immediately preceding the outbreak of the war between the colonies and the mother country is this constantly increasing emigration of pioneers into the western valley. The westward movement began in the forties like a bubbling spring trickling over the rocky bed of its

[190] Washington, *Writings* (ed. Ford), vol. ii, 324, 340, 351, 357, and *passim*.

[191] Virginia *Magazine of History and Biography*, vol. v, 242.

[192] Letter dated, January 31, 1770 in Mississippi Valley *Historical Review*, vol. i, 99. See also Washington-Crawford, *Letters* (ed. Butterfield).

[193] — *Idem*, 77, 82.

mountain home, twisting hither and yon to avoid obstructions, but gaining strength on its course until it becomes a brook, then a rivulet, and finally a river breaking its way with irresistible force down mountain passes to the plains beyond. So the Virginians, of English, Scotch-Irish, and German parentage followed the first lonely pioneers to the upper waters of the Monongahela, the Great Kanawha, and the Tennessee, but gaining strength and boldness by their constantly increasing numbers, pushed down the valley, paying little heed to Indian treaties, ever lured on and on to the more remote fields to which distance lent its charm. These pioneers were real home-seekers but also were often speculators or else the agents of speculators anxious to win profits from their land cessions. The professional surveyor was among the early comers, seeking with practiced eye for the most desirable spots; he was frequently commissioned by others and was very often a speculator himself ready to sell what he had laid out in his own name.

Every spectator of this westward moving stream of home-seekers was astonished at its rapidity and power. George Croghan, who was the representative of the Grand Ohio Company in the West, wrote on October 2, 1770:

> You will not be surprised when I assure you, that Mr. Penn has sold, since the congress [of Fort Stanwix], all the good land within his grant to the westward of the Allegany mountains. What number of families has settled, since the congress, to the westward of the high ridge, I cannot pretend to say positively; but last year, I am sure, there were between four and five thousand, and all this spring and summer the roads have been lined with waggons moving to the Ohio.[194]

[194] *Statement of the Petitioners*, 19. Pennsylvania, in 1771, formed "the lands over the said mountains, into a new county." – *Idem*, 21.

In the same year Washington made a trip down the Ohio River to the Great Kanawha to search for land. He noted in his diary:

> The people of Virginia and elsewhere are exploring and marking all the lands that are valuable, not only on Redstone and other waters of the Monongahela, but along down the Ohio as low as the Little Kenhawa; and by the next summer I suppose will get to the Great Kenhawa at least.[195]

From every correspondent came the same story, a wild rush either to secure titles to land or actually to settle.[196]

It fell to Washington's lot to be the spokesman of the Virginians in the hour of need that was brought upon them by the petition of the London speculators and by the apparent intention of the British government to create a colony out of the back lands of his native colony. At the instigation of Mr. Blair, the clerk of the council, he wrote on October 5, 1770, to Governor Botetourt to protest against the sale of Virginia lands by the home government. He stated that "The bounds of that grant, if obtained on the extensive plan prayed for, will comprehend at least four fifths of the land for which this colony hath lately voted £2500 sterling to the purchase and survey of, and must destroy the well-grounded hopes of those (if no other reservation is made in their favour) who have had the strongest assurances which government could give them, of enjoying some of those lands, the securing of which hath cost this country much blood and treasure." After a description of the boundaries of the proposed colony he wrote that if the

[195] "Journal of a Tour to the Ohio River," in Washington, *Writings* (ed. Ford), vol. ii, 310.

[196] Several letters containing such accounts are printed in the *Statement of the Petitioners*, 20 ff. On July 4, 1771, Thomas Adams estimated that there were ten thousand families settled on the Ohio and its branches. See *idem*, 22. See also an excellent account of this settlement written September 22, 1773, by Edward Foy for Lord Dartmouth, himself a land speculator. *Dartmouth Manuscripts*.

cession is obtained, it will "give a fatal blow to the interests of this country."[197] It is not without significance that this letter was written on the day he started for the Ohio on his tour of inspection.

On October 15, Governor Botetourt died; and William Nelson, president of the council, succeeded him until a new governor should be appointed. In the evening of the same day there was received Lord Hillsborough's letter containing the official notification of the negotiations between the Grand Ohio Company and the Treasury. Immediately Mr. Nelson wrote a reply and while engaged in its composition, the letter from George Washington came to hand and a copy of it was also sent to Westminster, thus dragging the name of the future leader of the revolutionary forces into the midst of the ensuing controversy.[198]

Mr. Nelson was very careful not to betray the full measure of Virginia's claims to the West; in fact it may be that his opinion was similar to that of Jefferson, for he wrote:

> With respect to the establishment of a new colony on the back of Virginia, it is a subject of too great political importance for me to presume to give an opinion upon. However permit me, my Lord, to observe that when that part of the country shall become sufficiently populated it may be a wise and prudent measure.

His letter was written in the first place to defend the fair name of his colony against certain aspersions cast at her by the Wharton connection and secondly to assert the rights of those who in his opinion had legal claims to lands in the region. In discussing this latter subject, he asserted:

> We do not presume to say to whom our gracious sovereign shall grant his vacant lands nor do I set myself as an opponent to

[197] House of Burgesses, *Journals, 1770-1772*, p. xx.

[198] — *Idem*, p. xxii.

> Mr. Walpole and his associates. All that I can consistently with my duty, hope for is, that all prior rights whether equitable or legal may be preserved and protected. By equitable, I mean all those who have had grants, but have been prevented from complying with the strict terms of them by the war or any other unavoidable impediment: by legal, I mean all those for which patents have been obtained.

The claims to which reference was particularly made were those of the officers and soldiers represented by Colonel Washington, that of the Loyal Company in which Colonel Lewis and Dr. Walker were so much interested, and that of James Patten. Besides these, the acting governor felt called upon to support the rights of his colony to the land which was being purchased from the Cherokee at the very time he was writing. One other fact seemed to weigh on Mr. Nelson's mind, namely the loss to the fund for the support of the government, if a new colony was carved out of Virgina's territory. On the whole, however, this official protest did not seem to raise insuperable objections to the colony of Vandalia.[199]

Samuel Wharton and his associates had sufficient political wisdom to perceive that the issue raised by the Virginians might defeat their purposes, unless the hopes of the more prominent men of that colony were protected. They had already secured the old Ohio Com-

[199] House of Burgesses, *Journals, 1770-1772*, p. xxvii. This letter by Nelson was printed by the Grand Ohio Company in its second pamphlet on the subject of the colony, the *Statement of the Petitioners in the Case of the Walpole Company Grant.* The two known copies of this pamphlet (in the John Carter Brown Library and the library of the University of Illinois) are without title page. From internal evidence it must have been printed after Lord Hillsborough's resignation in August, 1772, and from the lack of references to that, except casually in a footnote [Appendix, p. 4], and to other important later events, must have made its appearance only a short time after the resignation. When the representatives of the company were heard on June 5, 1772, by the Privy Council, they read a paper whose contents is similar to that of this pamphlet. Probably this paper was later printed. See Privy Council (Colonial), *Acts*, vol. 5, 203.

pany by admitting it to partnership, and before the year 1770 came to a close they had induced Colonel Mercer, who represented the officers and soldiers of Virginia, to merge their interests with the greater undertaking.[200] When this was accomplished an answer to Mr. Nelson's letter was prepared, and each point he had raised was met by counter arguments. No attempt was made to secure the coöperation of Lewis and Walker, and so it was necessary to prove the flimsy texture of their claims. As to the purchase from the Cherokee by Virginia, the company promised to reimburse that colony. There was also a pledge to protect all those pioneers who had made *bona fide* settlements previous to the issuance of the proclamation of 1763.[201]

All dangerous opposition seemed now quieted; and on April 20, 1771, Benjamin Franklin wrote his son: "The Ohio Affair seems now near a conclusion. And if the present ministry stand a little longer, I think it will be completed to our satisfaction. Mr. Wharton has been indefatigable, and I think scarce any one I know besides would have been equal to the task, so difficult it is to get business forward here, in which some party purpose is not to be served. But he is among them, eternally, and leaves no stone unturn'd." Full of caution and familiar with the turns of politics Franklin could not resist adding, "I would, however, advise you not to say anything of our success, till the event appears, for many things happen between the cup and the lip."[202] Others were also optimistic. William Strahan, who stood very close to the inner circle of administration, told his friend, David Hume, on March 1, that he thought the

[200] Mercer wrote to this effect on December 18, 1770. See House of Burgesses, *Journals, 1770-1772*, p. xxvi.

[201] This letter was dated March 5, 1771. See *Statement of the Petitioners*, Appendix, iii, pp. 11 ff.

[202] Franklin, *Writings* (ed. Smyth), vol. v, 314.

grant would surely be made.[203] Even the Virginians appear to have reconciled themselves momentarily to accept the inevitable and were only hoping to save some acres out of the wreckage of their speculations.[204]

Still there was a delay. Efforts were made to bring the matter to an issue before the adjournment of Parliament in the summer of 1771, but without success. The alignment of forces back of the enterprise was so strengthened by autumn that the hopes of Wharton and his friends were apparently justified and they wrote: "Our invaluable contract is fixed and irrevocable."[205] Yet the final report of the Board of Trade was withheld; but so sure was everybody of the outcome that the rumor was believed in Philadelphia that the final authorization was passed by the government on December 18, 1771.[206] The hoped-for authorization had been, however, again postponed. The Board of Trade even had not yet reported.

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[203] Hume, *Letters to William Strahan*, 162, *footnote* 3.

[204] General conclusion stated in House of Burgesses, *Journal, 1770-1772*, p. xxvi. The statement is borne out by the general attitude of George Washington in his correspondence concerning his lands. See Washington-Crawford, *Letters* (ed. Butterfield).

[205] Walpole and Wharton to Joseph Wharton, November, 1771 in Franklin, *Papers*, vol. lviii, no. 40.

[206] Unknown to B. Franklin, May 1, 1772 in Franklin, *Papers*, vol. lviii, no. 37. The passage is: "As it is now said that the grant was passed the king and council on the 18th December last." Carpenter Wharton wrote to Johnson, October 14, 1771, that Samuel Wharton had written that "he has very near completed his business respecting the obtaining a charter for lands on the Ohio, by which we flatter our selves it must by this time be determin'd and a governor appointed." – *Johnson Manuscripts*, vol. xxi, 58.

# V. POLITICS AND THE COLONY OF VANDALIA

*For my own part, I have seen so much of the uncertainty of all political conjecture, and know so well the sentiment and strength of the Bedford part of administration, who now carry all before them, and are only moderated, not restrained, by the small remains of the other party, that I have, I own, little hopes of any relief [for America] while they continue in power.*

– Doctor William Samuel Johnson.

A speculative land company dependent for success on the caprice of politics and the manipulation of intrigue must be careful in the christening of its project. This fact was well understood by Samuel Wharton and his friends, but they hesitated a long time whether to invoke at the baptismal font the auspices of popularity or the favor of authority. At one time the unborn infant was to be endowed with a name reminiscent of the greatest years of the empire and most fitting for a colony lying to the west of the Alleghany Mountains. The new colony of Pittsylvania would be a monument both to past glory and to the popular idol. Some of the sponsors preceived, however, that the voice of the populace was not to influence the decision in their affairs, and they were in favor of invoking a more potent force in politics by naming their infant Charlotta in honor of the queen. The only criticism of this name was its lack of originality, but this objection was obviated when some reader among the clan discovered a means of paying a more subtle compliment, though far fetched, to august majesty. In 1766 there had appeared from the

London press a volume on the ancient Vandals from whose kingly line it was said the royal consort was descended. The omen was regarded as propitious and the name Vandalia was bestowed on the offspring whose birth was so anxiously awaited.[207]

With such a godmother and with influential sponsors, Samuel Wharton and his associates had every reason to expect an early christening, and being of optimistic mood, Wharton's frequent letters to his brother and friends were full of prophecies of the coming event. Yet the ceremony did not take place. One difficulty arose after another to prevent the realization of reasonable hopes. It is at times impossible to find an adequate cause for the delays, but in every case the evidence points either to politics or to the claims of Virginia. The title of this chapter has, therefore, been evolved by the exigencies of the narrative. Politics and the colony of Vandalia were inexplicably entangled.

There was no doubt in the minds of anyone as to the occasion of the delay during the years 1770 and 1771. It was an open secret that Lord Hillsborough had declared himself in opposition. So important was the colonial secretary's attitude on the question of this limited westward expansion that it will be necessary to ex-

[207] There was considerable vacillation about the name. It was evidently called Charlotta first, at least by some people, as it is so named in a letter by an unknown writer to Franklin, May 1, 1771 in Franklin, *Papers*, vol. lviii, no. 37. In the discussion of the project by the Board of Trade in the spring of 1773, it was called Pittsylvania. "Propositions for the Establishment of a Colony, etc." – *Dartmouth Manuscripts*, c. 42. The name selected was still Pittsylvania on March 23, 1773. Letter of that date, written in London, is quoted in Alden, *New Governments west of the Alleghanies* [28, *footnote* 4], but it is quoted in Gist, *Journals* (ed. Darlington), [243], as March 3. The change to Vandalia was made by April 9. S. Wharton to J. G. and T. W. in Franklin, *Papers*, vol. iii, no. 145. The name Vandalia has been perpetuated in the name of an Illinois city, the second capital of the state. The volume alluded to is, Thomas Nugent, *History of Vandalia* (London, 1766), vol. i.

amine more carefully than has been done his opinion concerning the future of the territory in order that his later acts may be understood.

It has already been seen that Lord Hillsborough was an ardent adherent of the court faction, and he was therefore associated with men who were desirous of justifying the peace of Paris by the development of the western resources; nothing in his acts during the early years of the reign of George III. indicated that he was opposed to a colonial policy which had received the royal sanction. On the other hand he can not be counted among the strong advocates of expansion or of any promotion of settlement in America, because he feared that the attractions of the new world would cause the depopulation of Ireland where he possessed large estates.[208] He was, however, one of the members of the Grenville-Bedford ministry who drew up in 1764 the plan for the organization of Indian affairs, wherein it was proposed to run the Indian boundary line in such a manner as to open up for settlement the upper Ohio Valley. He thus connected himself with the moderate expansionist party. In 1766, when the Chatham ministry was organized, he accepted the presidency of the Board of Trade under the well known expansionist, Lord Shelburne. It was under the influence of Lord Hillsborough, as secretary of state for the colonies, that the final decision was reached in March, 1768, to negotiate with the Indians the boundary line that did actually make possible the extension of settlements as far west as the Great Kanawha River, nor is there anything in his correspondence concerning that measure which would in-

[208] Franklin, *Works* (ed. Bigelow), vol. iv, 417. Knox wrote: "The Earl of Hillsborough was fully persuaded of the dangerous consequences to this country and Ireland, of extending the settlements in the North American colonies." – Knox, *Extra Official State Papers*, vol. ii, 43.

dicate his aversion to such a limited expansion. Quite in accord with the above actions was his agreement in May, 1770, to the extension of the Virginia boundary line to the Holston River.

His first thought concerning the territory acquired from the Indians was that the colonies particularly benefited by the purchase should pay the cost of the treaty. With this idea in mind he wrote to Sir William Johnson on October 12, 1768:

> It becomes highly expedient that the colonies interested in this measure, and whose limits of settlement are extended by it, should be early apprised of what will be required, in order that they may make timely provision in proportion to the benefit they are respectively to receive from it; for it cannot, upon any grounds of reason or justice be expected, that this kingdom should take upon itself the whole, or indeed any part, of the expense of a measure calculated for the local interests of particular colonies.[209]

The desire of promoting economy in the administration of the colonies made this question of reimbursement for the expense of the treaty of Fort Stanwix a vital issue, and Lord Hillsborough undoubtedly gave it as serious a consideration as his mental endowments permitted. His advisers in America, Johnson and Gage, both pointed out the possibility of selling the land to advantage. The former proposed that all grants within the cession be "liable to a fine, suppose £10 for each thousand acres, over and besides fees and quit rent."[210] In January, 1769, and again in June, General Gage suggested that the ministry could obtain a compensation for the expense by selling the land.[211] Here was a practical method of putting into operation Lord

[209] *Documentary History of New York*, vol. ii, 910.

[210] Letter dated February 15, 1769 in *idem*, 930.

[211] Gage to Hillsborough, January 5, 1769, and June 6, 1769 in Public Record Office, *Colonial Office Papers*, 5.87, pp. 5, 55.

Shelburne's plan for raising a fund. It was probably under the influence of these suggestions and without giving the subject much thought that Hillsborough advised Samuel Wharton and his company that they petition for a sufficient amount of land to found a colony. This interpretation of Lord Hillsborough's ideas on the subject of this territory east of the Indians' boundary in the year 1770 is supported by the testimony of Doctor Arthur Lee who was in London as the representative of the Mississippi Company which was petitioning for land in the same region. His conclusion was thus expressed: "Lord Hillsborough was then first lord of trade. Frequent conversations with him convinced me that the ministry were fixed in prosecuting their American plan, and were determined to make such alterations in the colonial governments, as should accommodate them to the new system of parliamentary power. A government west of the Alleghany mountains was to be constituted on this new ministerial model, under the name of Vandalia."[212]

From the foregoing account there can be little doubt about Hillsborough's favorable attitude towards western expansion on a limited scale; he was certainly not averse to emigration into the upper Ohio Valley. Yet he became a bitter opponent of Wharton's project to found a colony on the Ohio and in the end preferred to resign his office and to risk the complete overthrow of the ministry rather than alter his opinion. What explanation can be given for his act of encouraging the enterprise at first and then blocking it? So difficult is this problem that one with a knowledge of the pettiness of Hillsborough's character feels inclined to accept his own explanation of this inconsistency. He told his

[212] Lee, *Life of Arthur Lee*, vol. i, 246.

friends that it had been his intention from the first to oppose the scheme; and, in order to throw the odium of blocking it onto other shoulders, he advised the petitioners to apply for twenty millions of acres instead of two millions in the expectation that the price asked by the treasury would be one hundred thousand pounds which would be more than the company could afford to pay.[213]

It was shortly after Hillsborough's official notification of the colonial scheme to Virginia and not very long after his consent to remove the Cherokee boundary line westward that the members of the Walpole Company became aware of his opposition to them. On July 14, 1770, Mr. Walpole, in criticizing Hillsborough for the delay of the Board of Trade in making a report on the petition, wrote: "An apprehension that your lordship is averse to the proposal, would determine me not to prosecute it any farther, if I was not convinced the fitness or unfitness of the grant stands entirely upon public grounds."[214] Since Hillsborough's attitude to the grant was known to be hostile so soon after his consent to the Virginia demands, there is some ground for the suspicion expressed by Sir William Franklin, that the authorization about the Cherokee boundary sent to Virginia might "account for Lord H's late opposition to the grant of a new colony. He might be apprehensive of that transaction being therefore brought to

[213] This explanation was given by Hillsborough's faithful friend, William Knox. "Knox Manuscripts" in Historical Manuscripts Commission, *Report*, vol. vi, 253. See also a somewhat different version in Knox, *Extra Official State Papers*, vol. ii, 43. Horace Walpole gives the same story. "Lord Hillsborough was taxed with having originally favoured the scheme, and was so weak as to plead in defense that he had seemed to approve it that he might deceive the patrons of it and defeat it the more easily." – *Last Journals*, vol. i, 126.

[214] *Statement of the Petitioners*, 18, *footnote*.

light, and that his character would suffer for having at first encouraged the design of a new colony, at the very time he was authorizing the people of Virginia to take possession of the country for themselves in which it was to be established."[215]

Lord Hillsborough's character was necessarily a factor in determining his own actions and influenced in a very decided manner the course of events. Benjamin Franklin who knew him very well said that he was "proud, supercilious, extremely conceited, moderate as they are, of his political knowledge and abilities, fond of every one that can stoop to flatter him, and inimical to all that dare tell him disagreeable truths. This man's mandates have been treated with disrespect in America, his letters have been criticis'd, his measures censur'd and despis'd; which has produced in him a kind of settled malice against the colonies, particularly ours, that would break into greater violence if cooler heads did not set some bound to it."[216] At another time he wrote: "I know him to be as double and deceitful as any man I ever met with."[217] Such was a very common opinion of the man who had been placed in charge of the colonial affairs. His anger had now become deeply stirred by the continual opposition of the Americans to his acts, and he must be counted one of the first politicians outside the Bloomsbury Gang and their friends to counsel harsh and punitive measures against

[215] W. Franklin to B. Franklin, October 29, 1772 in Franklin, *Papers*, vol. iii, no. 129. William Franklin, like his father, was always very suspicious of Hillsborough. On June 18, 1771, when everybody connected with the colonial scheme was very optimistic, he wrote: I "have almost given up all expectation of its taking place while Lord H. presides at the Board of Trade." – *Idem*, vol. xlviii, no. 139 b.

[216] Franklin to Cushing, June 10, 1771, Franklin, *Writings* (ed. Smyth), vol. v, 322.

[217] Franklin to W. Franklin, August 19, 1772 in *idem*, 413.

the recalcitrant colonists.[218] In assuming this attitude he anticipated by only a few years the action of the majority of the politicians of the inner circle.

Hillsborough's opposition to the formation of a new colony on the upper Ohio made a political crisis; but the issue thus created was so intricately entwined with British politics that it is impossible to decide whether the colonial policy involved in the issue or the intrigue of factions is the determining factor in the final outcome. Still this is certain that one problem of the Mississippi Valley had become of such importance as to threaten the overthrow of the imperial administration.

The political crisis was precipitated by the ambition of the Bloomsbury Gang. Their influence in the councils of the administration had been steadily increasing since their acceptance of office in January, 1768. Their power had become sufficiently strong by the fall of that year to drive Lord Shelburne from office and consequently the Earl of Chatham. After the accession of the Grenvillites in 1771 to the administrative forces, the Bedfordites were the predominant party in the cabinet which Lord North was supposed to direct. The favorable position of the faction aroused in its leader, the Earl of Gower, the ambition to overthrow Lord North and to become himself the first minister. Even if he was unsuccessful in this, Gower felt that a reorganization of the cabinet could only result in an increase of power for him and his associates.[219]

[218] Winstanley in his *Lord Chatham and the Whig Opposition* [p. 252] writes of Hillsborough's "pedagogic conception of government" in 1768.

[219] William Knox is the authority for this intrigue of the Bedfords which overthrew Hillsborough. "Knox Manuscripts" in Historical Manuscripts Commission, *Report*, vol. vi, 253. Knox's statement is partially supported by Walpole in his *Last Journals*, vol. i, 126. In a letter to Mann, July 23, 1772, the same writer thought the change would result in bringing a Bedford, Lord Weymouth, into the cabinet. See Walpole, *Letters*, vol. v, 401.

Very little in the political situation escaped the eyes of Samuel Wharton and his advisers. When they became conscious of the full force of Lord Hillsborough's opposition, they looked about for allies to counteract it; and naturally they approached the court faction and the Bloomsbury Gang, whose reputation was such that the speculators need fear no rebuff in offering them potential wealth. The first overtures were made to Lord Rochford, secretary of state, who had entered the administration in 1768 as an independent Whig but had soon united himself with the dominant party in the cabinet. Rochford was "dissolute and needy" and lent his ear readily to Wharton's suggestions about securing the cession of some vacant islands in the Delaware River and was induced to petition for them.[220] Having thus turned Rochford's attention to land speculation, the clever Philadelphian found no trouble, after the petition for the islands had been defeated, to induce the secretary of state to accept a share in the Grand Ohio Company. In order to be sure of sufficient influence to meet any emergency, the Earl of Gower, leader of the Bedford faction, was also persuaded to become a member of the company.[221] He saw in this issue raised by Hillsborough the opportunity to lead an attack upon Lord North, and this may have been his sole motive for becoming a party to the land scheme.

Wharton showed himself remarkably talented in mustering his forces to rout the enemy. The king himself was enlisted. The royal favor for the land scheme could have been easily obtained by the Bedford lords who were in good favor at court. Then too the plan

[220] Rochford's petition is in Public Record Office, *Colonial Office Papers*, 324.18, p. 414.

[221] "Knox Manuscripts" in Historical Manuscripts Commission, *Report*, vol. vi, 253.

for a westward expansion of the settlements had always been a favorite measure with George III. Still Wharton took no chances. No man was closer to the king's person and no man was more favored by his majesty at this time than the lord chamberlain, Lord Hertford. To secure such an advocate seemed to insure success. William Strahan, a member of the land company, obtained from his good friend, David Hume, a letter of introduction and recommendation to the noble lord. With this favorable introduction Strahan laid the plan before Lord Hertford, who became greatly interested. He was, so Strahan wrote, "very fond of the idea of having a large tract of country in America, and otherwise very attentive to the improvement of his fortune."[222]

There were thus two forces, now united, focusing on Lord Hillsborough's position; one was the financial interests of the land speculators among whom were members of the cabinet, and the second was the political ambition of the Bloomsbury Gang to increase their power by undermining Lord North. The latter politicians expected that if they forced the resignation of the colonial secretary the principal minister would be compelled to follow his example. The probability of such an outcome was very great. Hillsborough was, as Lord North himself stated, "the best and firmest friend" he had in the cabinet.[223] North's admiration for the colonial secretary was not shared, however, by his colleagues, if Benjamin Franklin who had many avenues of information is to be believed. Franklin had been obliged, on account of the unpopularity of the American attitude towards imperial interference in the col-

[222] Hume to Strahan, January 21, 1771, and Strahan to Hume, March 1, 1771 in Hume, *Letters to William Strahan* (ed. Hull), 160, 162, *footnote* 3.

[223] North to Dartmouth, August 3, 1772, *Dartmouth Manuscripts.*

onies, to look more and more for favor among the members of the opposition and was at this time on the closest terms of intimacy with Lord Shelburne and his friends; but he still was a welcomed guest at the homes of many of the court faction. Lord Le Despencer, for instance, was particularly marked in his attention to him.[224] From such sources of information Franklin was persuaded that Lord Hillsborough was cordially disliked by all his colleagues. Early in 1771 he wrote: "One encouragement I have, the knowledge that he [Hillsborough] is not a whit better lik'd by his colleagues in the ministry, than he is by me, that he cannot probably continue where he is much longer."[225] Even the king was "tired of him and his administration, which had weakened the affection and respect of the colonies for a royal government."[226]

Wharton had waited impatiently throughout 1771 for his coalition of politicians to force the issue, but Hillsborough's stubbornness could not be overcome by ordinary means. Extraordinary means must be tried. Influences were brought to bear upon the king, who was persuaded to take a hand in the game. One day at his levee his majesty asked Bamber Gascoigne, Hillsborough's particular friend in the Board of Trade, "if the report upon the Ohio petition was ready."[227] This was a sufficient hint. The issue must be met. In June, 1770, the Board of Trade had asserted that the question of erecting a new colony was of such importance that the advice of the great officers must be asked.[228] Hills-

[224] Franklin, *Writings* (ed. Smyth), vol. vi, 98.

[225] — *Idem*, vol. v, 299. See also letter of June 10, 1771, *idem*, 322.

[226] August 17, 1772, *idem*, 410. Franklin's opinion of the general dislike of Hillsborough is supported by Knox. "Knox Manuscripts" in Historical Manuscripts Commission, *Report*, vol. vi, 265.

[227] — *Idem*, 253.

[228] Public Record Office, *Colonial Office Papers*, 391.77, p. 133.

borough endeavored again to throw the responsibility of making a report upon those who were trying to overreach him and insisted that a meeting of the Grand Board of Trade should be called; but the Bedfords were unwilling to grant him this avenue of escape. He must be driven to the wall. In this period of desperation the colonial secretary changed his opinion about moderate westward expansion and wrote to Johnson: "Every day discovers more and more the fatal policy of departing from the line prescribed by the proclamation of 1763."[229] He declaimed against the troubles that were arising in America, but was not this disavowal of his former beliefs forced from him by the political troubles which were at the time overcoming him?[230]

All avenues of escape being closed, the report was made. The Board of Trade took the petition of the land company under consideration on March 25, 1772, and delivered the result of their deliberations to the Privy Council on April 29.[231] The questionable character of a sale of land to a company composed of so many administrative officers could not be advanced as

[229] July 1, 1772, *Documentary History of New York*, vol. ii, 997.

[230] The reader will notice that I have not directly stated the reasons why Hillsborough first favored and then opposed the Vandalia scheme. This omission is not a matter of choice. I have spent hours in studying manuscripts and books to solve the problem but without finding the solution. Two facts are certain. Up till 1770 the colonial secretary favored without any apparent fear of consequences the opening of the West to settlement by running a boundary line. The other fact is that he opposed the Grand Ohio Company. If one rejects Hillsborough's own explanation, there is no sure evidence of other reasons. It is probable, however, that he preferred to favor the aspirations of Virginia, but there is no positive proof of this.

[231] Public Record Office, *Colonial Office Papers*, 391.79, pp. 58, 64, 74, 80. The report was completed and ordered to be transcribed April 15, which is the date given in all printed copies, but according to the documents cited it was not signed until April 29. It is printed in Franklin, *Writings* (ed. Smyth), vol. v, 467 ff., and may be found also in Bigelow's edition and elsewhere.

an argument against the scheme without offending numerous warm supporters of government; and for that reason Lord Hillsborough and his colleagues limited themselves to those well known arguments against inland colonies which Lord Barrington and others had formulated. The preparation of a report which was foreordained to repudiation by the Privy Council was necessarily a purely perfunctory affair. Of the fifteen full pages in a contemporary printed copy five pages are quoted from the report of the Board of Trade of March, 1768, and five more are quotations from letters of General Gage and Governor Wright of Georgia. The other pages contain little that is new.[232]

The report pointed out that some of the territory for which the Grand Ohio Company was petitioning lay west of the Indian boundary line and that it would "be highly improper to comply with the requests of the memorial" for lands so situated. The rest of the territory, it was asserted, belonged to the colony of Virginia. In the discussion of this latter territory, the Board of Trade was on the whole rather inconsistent. Having incorrectly asserted that the proclamation of 1763 was promulgated for the purpose of confining the settlements to the coast in order that they might be "within reach of the trade and commerce of this kingdom" and be maintained "in due subordination to, and dependence upon, the mother country," the Lords of Trade pointed out that on account of a "want of precision in describing the line intended to be marked by the proclamation of 1763,[233] and partly from a consideration of justice in re-

[232] This report should be compared with the earlier one, which is remarkable for the logical arrangement of its matter. The history of the drawing up of the report is given by one who had a hand in it, see "Knox Manuscripts," in Historical Manuscripts Commission, *Report*, vol. vi, 254.

[233] Could any line be more precise than the Appalachian divide, which was the line of the proclamation? What the Lords of Trade meant to say

gard to legal titles of lands, which had been settled beyond that line, it has been since thought fit to enter into engagements with the Indians, for fixing a more precise and determinate boundary between his Majesty's territories and their hunting grounds." After making this statement of what was termed adequate and acceptable reasons for the establishment of the boundary line farther to the west than that promulgated in the proclamation and for opening to settlement the lands in question, the Lords of Trade turned to a discussion of the policy of western settlement and quoted at length their former report of March, 1768, wherein they laid down the principles for rejecting Lord Shelburne's proposal to establish colonies in the far West, and applied these to this near western territory, thus denying their previous reasoning. With a blindness easily understood, they also overlooked that part of the same report of 1768 wherein they recommended the running of the Indian boundary line so that the settlements of the middle colonies might be extended to the upper Ohio Valley. In this new report, therefore, they first justified their action in negotiating treaties with the Indians for determining the boundary line "with precision," and then basing their opinion on only a part of a previous report they recommended that the governor of Virginia be instructed "not to make any further grants beyond the line prescribed by the proclamation of 1763" and also "that another proclamation should be issued, declaratory of his Majesty's resolution, not to allow for the present,

was that they had determined, before the proclamation was written, to describe a line which would include the upper Ohio Valley within the territory open to settlement. This was the "line intended to be marked," but, as has been seen in a former chapter, the outbreak of the Indian war forced the administration to select a conspicuous land mark; hence the expression, "want of precision" in the above report.

any new settlements beyond that line, and to forbid all persons from taking up or settling any lands in that part of the country."

If this perfunctory report of the Board of Trade had any purpose beyond fulfilling the requirement of producing a recommendation which the Privy Council might reject, it must be found in a desire to protect the interests of Virginia. In the discussion of the disorders which reigned on the frontier, the report pointed out that this was not a necessary reason for the establishment of a new colony, since there was "nothing to hinder the government of Virginia from extending the laws and constitution of that colony to such persons as may have already settled there under legal titles." Again in taking up the question of the justice of the proposed measure, there is mention of "persons who have already possession of lands in that part of the country under legal titles derived from grants made by the Governor and Council of Virginia."[234]

The report laid greater stress on the danger of depopulating Great Britain through the encouragement of emigration than any previous one. This was quite in keeping with Lord Hillsborough's belief. The letter from Governor Wright which is quoted is confined to a discussion of this danger, and the Lords of Trade devote a whole paragraph of their own to the same subject, which, they write, "demands very serious consideration."

When this report came to the Privy Council, Lord Gower declared that he would "be open to evidence against it," and Walpole applied to the Board of Trade

[234] It is debatable whether the Board of Trade in recommending that the governor of Virginia be instructed not to make grants west of the line of the proclamation of 1763 meant the Appalachian divide or the new Indian boundary line. Certainly there is a confusion of ideas in the whole report.

for a copy.[235] The hearing was postponed until Samuel Wharton could prepare and have printed an answer, which is the well known *Observations on, and Answers to, the foregoing Report.*[236] On the fifth of June the petitioners were heard by the committee of the Privy Council. There is in existence a long and intimate account of the occurrences at the Cockpit. The Ohio Company was represented by Thomas Walpole, whose political and financial connections fitted him to be the official spokesman of his party, Samuel Wharton, the real brains of the enterprise, Benjamin Franklin, who had been an important adviser at all critical moments, Major Trent, the representative with Wharton of the traders who received the Indian grant, and Colonel Mercer, representing the Virginia members.[237] Other shareholders in the company may have been present but their names are not mentioned; nor does the report of this day's proceedings mention the number of shareholders who sat on the committee of the Privy Council which was to decide the issue. Lords Gower and Rochford certainly were not absent at this critical moment.

The committee came to the conclusion "that the petitioners could not be heard formally against the Report of the Board of Trade," but that permission might be granted them "to go into the whole matter they might

[235] "Knox Manuscripts" in Historical Manuscripts Commission, *Report*, vol. vi, 254; Public Record Office, *Colonial Office Papers*, 391.79, p. 82.

[236] This was printed as *Report of the Lords Commissioners for Trade and Plantations on the Petition of the Honorable Thomas Walpole and his Associates, for a Grant of Lands on the River Ohio in North America*, with a subtitle on page 17 "Observations on, and Answers to, the foregoing Report." These observations have always been ascribed to Benjamin Franklin and are printed by both Bigelow and Smyth in their editions of his works. The statement of William Knox [*op. cit.*] is conclusive evidence as to authorship. Besides it was well known that Samuel Wharton prepared all the papers, memorials, etc., for the company. Of course these were criticized by his associates.

[237] Privy Council (Colonial), *Acts*, vol. v, 203 ff.

have to offer in support of their original petition to His Majesty." The legal difficulty being thus circumvented, the representatives of the land company proceeded to attack the report point by point. Walpole first read an account of the several steps taken in the prosecution of the petition.[238] He was followed by Samuel Wharton who was the hero of the occasion and gained a great reputation by his manner of handling himself and by his presentation of his arguments during a period which extended over several hours. The basis of his speech was his *Observations* on the Board of Trade's report from which he read copious extracts. Evidence was introduced that the territory was not in the colony of Virginia, since it belonged to the Six Nations, until the latter sold it to Great Britain, and that it did not, for the same reason, belong to the Cherokee. Proof was also produced that settlements were being rapidly made in the region and that a profitable trade could be maintained there. Major Trent was asked for information in regard to the means and methods of transportation.[239] An enthusiastic admirer of Wharton described the scene in some detail to Sir William Johnson. He was present at the Cockpit when Wharton made his great effort and this was his impression:

> Thro' the whole of the proceedings he [Wharton] so fully removed all Lord Hillsborough's objections, and introduced his proofs with so much regularity, and made his observations on them with so much propriety, deliberation and presence of

[238] This was probably the original of the pamphlet without title, to which reference has been so frequently made under the name of *Statement of the Petitioners*.

[239] These seem to have been the principal subjects discussed before the committee of the Privy Council. Wharton in his *Observations* combated every argument of the Board of Trade *Report*, but since the narrative of this work has given the history of the boundary line and allied subjects – and such was the substance of Wharton's argument – it is not necessary to present a résumé of the pamphlet.

mind; that fully convinced every Lord present; and gave universal satisfaction to the gentlemen concerned.[240]

After hearing the evidence the committee of the Privy Council reached a conclusion, as was expected, directly the opposite to that of the Board of Trade. They reported on July 1 that the "Lands in Question have been for some time past, and are now in an actual state of settling" and that they "do not lye beyond the reach of advantage [*sic*] intercourse with the kingdom." Furthermore the committee recommended that the petitioners had the first claim to the territory and proposed that the superintendent of Indian affairs inform the Six Nations of the intended colony, that the "Board of Trade prepare a clause to be inserted in the grant to save prior claims to lands within the limits of the grant, and to forbid settlement between the treaty boundary of the Indian hunting ground" and the western boundary of the colony.[241]

Lord Gower and the two secretaries of state at once declared themselves in favor of the committee's report and said that they would advise the king accordingly. Lord Hillsborough was not willing to yield and asserted that he would resign whenever he was ordered to carry the plan into execution. Meanwhile he tried to alarm Lord North by pointing out that the whole scheme was aimed at him and "with much teazing got him to bustle a little." In a panic North sought advice from Rigby, a Bedfordite, who did not approve of Lord

[240] Hanna to Johnson, July 20, 1772 in *Documentary History of New York*, vol. iv, 478. William Hanna was a young American who was introduced by Mr. Wharton to some of the British nobles and had been greatly impressed by Wharton's apparent influence.

[241] Privy Council (Colonial), *Acts*, vol. v, 209. The report of the committee of the Privy Council has not been seen, but the final "Order in Council" of August 14 from which the above is taken undoubtedly conformed in substance to it. The full text of the "Order in Council" is found in Public Record Office, *Colonial Office Papers*, 5.27, p. 311.

Gower's ambition and was anxious to maintain peace in the administration so that he could enjoy the perquisites of the paymaster's office.[242] By this cynical adviser the first minister was told "to stand his ground like a man." North himself, quite in keeping with his irresolute nature, did not take a firm stand with either party. In a letter to Lord Dartmouth on August 3, 1772, he wrote that the Privy Council "have reported in favour of the petitioners for reasons best known to themselves; upon which, for reasons best known to himself, Lord Hillsborough thinks it necessary that he should immediately resign; I am convinced that I am myself incapable of reason, for upon the maturest consideration, which I am able to give the affair, I can not help thinking all parties in the wrong."[243] Always unwilling to face an issue squarely and preferring his own ease to making a decision, Lord North naturally enough did nothing. He was encouraged in his inactivity when he became convinced that the king was on the side of the Bedfordites and the land scheme. "He had therefore no choice but to give up Lord Hillsborough or go along with him, and the former he thought most prudent, taking his chance for what might follow."[244] Part of the plan of the Bloomsbury Gang, therefore, failed. The North administration was not overthrown.

It was now only a question of securing a successor to Lord Hillsborough before sending him the order to execute the plan of establishing the colony. The negotiations concerning a new colonial secretary extended until August. The position was first offered to Lord Weymouth, a member of the Bedford faction, but he

242 This narrative of Hillsborough's resignation is based on "Knox Manuscripts" in Historical Manuscripts Commission, *Report*, vol. vi, 254, and Walpole, *Last Journals*, vol. i, 126.

243 *Dartmouth Manuscripts.*

244 Statement of William Knox, *op. cit.*

refused because he had never approved of the creation of the office of colonial secretary and could not accept the position "with any decency." This alleged reason called from Horace Walpole the remark: "but who could expect that decency would have governed Lord Weymouth." [245] Having made this overture to appease the Bedford faction, Lord North offered the position to his own first choice, his stepbrother, Lord Dartmouth, an Old Whig, who after some hesitation accepted it.

Lord Hillsborough resigned on August 1 and was created five days later an English earl. Though the principle upon which he took his stand in his opposition to this union of politicians and speculators is not altogether clear, still there can be no doubt that, in the end when driven to the wall, Lord Hillsborough did prefer, in spite of the arguments of his friends, to defend what he regarded as right rather than to remain in office. This is established by North's own explanation: "He certainly left us unwillingly, though at his own request. He was not prompted to his resignation either by love of faction or repose, but purely by notion of necessity he was under of resigning, which I own I could never see." [246]

[245] Walpole, *Last Journals*, vol. i, 127. See an interesting discussion on the colonial secretaryship in "Knox Manuscripts," in Historical Manuscripts Commission, *Report*, vol. vi, 256.

[246] Quoted in Lucas, *Lord North*, vol. i, 353. Henry Ellis wrote to Knox, October 17, 1772, applauding Lord Hillsborough for retiring "upon the motives he did, which were honourable, and have been generally approved." Hillsborough wrote to Knox, September 29, 1772: "I did not, you know, wish to resign." – "Knox Manuscripts," in Historical Manuscripts Commission, *Report*, vol. vi, 108, 109. On the other hand Horace Walpole wrote "it was believed that half his discontent was feigned in order to obtain an earl's coronet." – *Last Journals*, vol. i, 127. Franklin held the following opinion: "I believe when he offered to do so [*i.e.* resign], he had such an opinion of his importance that he did not think it would be accepted; and that it would be thought prudent rather to set our grant aside than part with him." – Letter to Galloway, August 22, 1772 in Franklin, *Writings*, vol. v, 433.

The circumstances of the overthrow of Lord Hillsborough on a purely American issue caused considerable excitement in England. The same young man, whose enthusiastic account of Wharton's performance before the Privy Council has been quoted, has recorded his impressions of the event, and they probably reflect faithfully the sentiments of the people with whom he associated.

> And I now have the great pleasure to inform you that their Lordships have overruled Lord Hillsborough's report, and have reported to his Majesty in favour of Mr. Wharton and his associates. This is looked upon here as a most extraordinary matter; and what no American ever accomplished before. Indeed no one from America, ever had so much interest, and was so attended to by the great Lords as Mr. Wharton.[247]

The Franklins, both father and son, had been jealous of Samuel Wharton's growing influence for some time; and, therefore, the old philosopher was inclined to estimate factional politics as a greater influence in Hillsborough's overthrow than that of the Grand Ohio Company. In recording his satisfaction at getting rid of the colonial secretary, he wrote:

> You will hear it said among you, I suppose, that the interest of the Ohio planters has ousted him; but the truth is, what I wrote you long since, that all his brother ministers disliked him extremely, and wished for a fair occasion of tripping up his heals; so, seeing that he made a point of defeating our scheme, they made another of supporting it, on purpose to mortify him, which they knew his pride could not bear.[248]

One day Benjamin Franklin was asked by a member

[247] Hanna to Johnson, July 20, 1772 in *Documentary History of New York*, vol. iv, 478.

[248] B. Franklin to W. Franklin, August 17, 1772 in Franklin, *Writings* (ed. Smyth), vol. v, 410. William Franklin was particularly jealous of Samuel Wharton and reported many things to stir up the wrath of his father, who, on the whole, kept both his temper and his head. See W. Franklin to B. Franklin, October 13, October 29, 1772, April 30, 1773 in Franklin, *Papers*, vol. iii, 126, 129, 149, and many other letters.

of the court faction whether, if Lord Hillsborough "should be removed," he "could name another likely to be more acceptable" to the Americans. Without hesitation he answered: "Yes, there is Lord Dartmouth; we liked him very well when he was at the head of the Board formerly, and probably should like him again."[249] This opinion was shared by all Americans, and it was expected that with the appointment of Dartmouth as colonial secretary, a new era in the relation between the mother country and the colonies would begin. His amiable character, which has been already described, his assistance in the repeal of the Stamp Act, his interest in the extension of religion and education among the Indians, and his favorable attitude towards all progressive colonial measures laid a seemingly firm foundation for his popularity. His previous period of administration had been too short for the reverse side of his character to be known. Within three years after Franklin had recommended him as colonial secretary, the philosopher had discovered the vices that were associated with his amiable qualities and wrote:

> It is a trait of that nobleman's character, who from his office is suppos'd to have so great a share in American affairs, but who has in reality no will or judgment of his own, being with disposition for the best measures, easily prevail'd with to join in the worst.[250]

The members of the Grand Ohio Company had every reason to rejoice over the appointment, since Dartmouth was conspicuously chosen to put into execution the colonial scheme from which they expected such rich financial returns. Franklin's long experience with British politicians and his natural caution suggested to his mind that since the unpopular Hillsborough was

[249] Franklin, *Writings* (ed. Smyth), vol. v, 415.

[250] — *Idem*, vol. vi, 369.

eliminated from the cabinet, that body might not be so enthusiastic about the new colony and might suffer the project "to linger" and finally to "miscarry";[251] but very few of the other members of the company shared this pessimistic view.

In his judgment Franklin was to prove correct; but nothing in the principles espoused by the new colonial secretary gave him any reason to expect such an outcome. Dartmouth's interpretation of the conditions on the frontiers was identical with Shelburne's. He realized that the instinct among the Americans to seek the fertile fields of the Ohio Valley was most natural and that there would always be an irresistible push of the settlements towards the setting sun. His kindly interest in the Indians, not feigned but real, alone restrained him from granting all the land speculators wanted, for his official position placed upon him the duty of maintaining the empire's good faith with the natives as far as it was possible; but "at the same time," he wrote, "I am free to confess that I very much doubt whether that dangerous spirit of unlicensed emigration into the interior parts of America can be effectively restrained by any authority whatever."[252]

Shortly after taking up his new duties, Dartmouth received a call from Samuel Wharton, who brought a letter of introduction from Sir Matthew Featherstonhaugh, a member of the land company.[253] The letter painted in the most enthusiastic colors the portrait of the Philadelphian who had been at least the instrument in the overthrow of a British minister. Dartmouth was

[251] B. Franklin to W. Franklin, August 17, 1772 in Franklin, *Writings*, vol. v, 410.

[252] Dartmouth to Stuart, March 3, 1773 in Public Record Office, *Colonial Office Papers*, 5.74, p. 63.

[253] Featherstonhaugh to Dartmouth, August 26, 1772 in *Dartmouth Manuscripts*.

assured: "You will find him [Wharton] worthy of your acquaintance and friendship; not only as a person possess'd of great American knowledge both in a political and commercial sense, but one who has a numerous and great connexion in that country, and whose ideas are truly British, who is well acquainted with Indian affairs, the nature of the trade, it's defects and present irregularity, and the consequence to be dreaded from it." With Lord Dartmouth and Samuel Wharton working together the colonial plan was likely to be pushed with vigor.

On August 14, the Privy Council took under consideration the report of its committee on the proposed colony and agreed to its recommendations. The whole subject was, therefore, referred again to the Lords of Trade in order that the form of constitution and other matters pertaining to the establishment of a new colony might be considered and reported upon.[254] All signs now seemed favorable for the establishment of the colony at an early date.

On September 2, the colonial secretary sent the two superintendents of Indian affairs copies of the "Order in Council" and commanded them to notify the Indians of the king's intention of establishing a colony on the land south of the Ohio River ceded by the Six Nations.[255] This order reached Sir William Johnson at a time when he was in conference with some deputies of the Six Nations to whom he immediately imparted the information.[256] The Indians were disposed to consider

[254] Order in Council, Public Record Office, *Colonial Office Papers*, 5.27, p. 311; Privy Council (Colonial), *Acts*, vol. v, 209.

[255] Dartmouth to Johnson in *New York Colonial Documents*, vol. viii, 311; Stuart to Dartmouth, January 4, 1773 in Public Record Office, *Colonial Office Papers*, 5.74, p. 43.

[256] Johnson to Dartmouth, November 4, 1772 in New York *Colonial Documents*, vol. viii, 315.

the foundation of a new government in a favorable light; and Johnson, himself a member of the land company, regarded it as the best solution of the difficult western problem. The government of such a colony would be interested in the preservation of order in the region and would enforce proper regulations of trade. Stuart also lost no time in notifying the Cherokee of the king's intention, and he laid particular stress on the point that all settlement would be prohibited between the line of the treaty of Lochaber and the western boundary of the new province.[257]

The entry in the Journal of the Board of Trade for November 2, 1772, reads:

> Read an Order of the King in Council, dated August 14th 1772, directing this Board to report their opinion on the terms of settlement and the reservations necessary to be inserted in the grant of land to be made to Mr. Walpole and others; and to prepare certain clauses therein described and to prepare and lay before His Majesty a plan for establishing a separate government.[258]

The members of the Board had just returned from their vacation and took up immediately that problem which had caused so much political excitement and speculation during the summer; but for some reason no further consideration was given it until the first of April. The cause of this delay is not clear. The Par-

[257] Stuart to Dartmouth, January 4, 1773 in Public Record Office, *Colonial Office Papers*, 5.74, p. 43. On June 3, 1773, Stuart gave the Cherokee another talk on the subject, in *idem*, p. 287. If the Indian boundary line was the Kentucky River as has been generally believed the clause prohibiting settlement between it and the western boundary of the proprietary would have no meaning, since the Kentucky River lies to the west of the proposed limits of this colony; yet in his talk of June 3, Stuart showed the Indians a map so that they might see the force of this restriction. If he did this, how explain his map of the boundary line sent Lord Dartmouth in February of this same year, on which the Kentucky [Louisa] River is set down as the Indian boundary line? See page 85, note 135.

[258] Public Record Office, *Colonial Office Papers*, 391.79, p. 147.

liament of the winter of 1772-1773 was a stormy one. Lord North like other members of the court faction was a believer in the imperial control of the East India Company and its possessions and tried to use the opportunity offered by the financial depression of the company to enforce his ideas. In this plan he was not assisted with any show of enthusiasm by his associates, the Bedfordites and Grenvillites, and he aroused the ire of that part of the opposition which was represented by the Old Whigs. Since the attention of government was thus focused on the far East, it may have seemed hopeless to Wharton and his friends to push their affair.

The fear of the criticism of opposition may have also been a cause for the postponement of action. Of the danger of such criticism there exists, however, only indirect evidence. In eighteenth-century politics, as today, opposition sought for its policies in the contraries of the proposals of administration. It is therefore very probable that a keen and knowing correspondent of Sir William Johnson made a shrewd prophecy when he wrote:

> I can easily foresee that opposition will take it [the colony] up with a high hand and endeavour to paint the proprietors, consisting of many noble Lords and all the secretaries in office – in colours of no agreeable hue.[259]

That this correspondent's prognostication was fulfilled is partially substantiated by the general tone of one of the several pamphlets that Wharton and his friends produced during the years that their scheme was under discussion. These were written at different eras in the history of the enterprise and were intended to meet the different issues that were raised. It has already been

[259] John Blackburn to Johnson, September 2, 1772 in *Johnson Manuscripts*, vol. xxi, 237. Blackburn was a constant correspondent of Johnson during these years, and his comments on current events are exceptionally interesting.

seen that two such pamphlets were composed at the time of Lord Hillsborough's opposition. *The Considerations on the Agreement of the Lords Commissioners of His Majesty's Treasury, with the Honourable Thomas Walpole and his Associates, for Lands upon the River Ohio, in North America. In a Letter to a Member of Parliament* was dated London, January 7, 1774. The first paragraph indicates the purpose of the author. He assures the "Member of Parliament" that it will be a pleasure to communicate his thoughts on the subject of the land scheme, "as I flatter myself,"—to quote the most significant words—"they will thoroughly convince you, of the folly or malevolence of gentlemen, who venture to call it a job." The argument that was developed was based on the past practice of the empire in the establishment of colonies. It was pointed out that in the cases of Georgia, Nova Scotia, the two Floridas, and St. John's, Great Britain had borne the whole expense of maintaining the governments and that lands had been freely granted in large areas with the postponement of quitrents for a number of years. The author could justly claim that the Grand Ohio Company had made the first offer to purchase land from the empire and to maintain the colonial government without expense to the treasury of Great Britain.

The pamphlet reveals also the critics of this enterprise, and they are found in the ranks of the opposition. After narrating the facts concerning the plan of Lord Shelburne to erect at the expense of Great Britain three colonies along the Mississippi border and pointing out that the lands were to be granted without cost to the proprietors, the author sarcastically writes:

> It is impossible, therefore, Sir, in my poor opinion, that the Earl of Shelburne, or any of his lordship's friends, should have been

among those, who it seems, have insinuated blame against the treasury, for the agreement they have made with Mr. Walpole and his associates, unless they had first proved, there was no difference between giving away the King's lands over the mountains, or selling them for two-thirds more, than they cost the crown, only a few months before; that it was of no consequence to government, whether a colony was supported at an annual expense to the crown, or a yearly expense of 3,000 £ to grantees, who were even to pay for the land, the colony was to be erected on.[260]

A third possible cause for the delay of the Board of Trade existed in the condition of the colonial department. Lord Dartmouth found himself in a very difficult position. First of all there was the jealousy of the office which he held. The other two secretaries of state had never acknowledged the equality of the colonial secretaryship and had looked upon Lord Hillsborough as simply the first lord of trade who had the seals and a seat in the cabinet.[261] Lord Dartmouth's commission was exactly similar, and his colleagues tried to prevent any initiative on his part. His two undersecretaries, John Pownall and William Knox, were men of influence and were not inclined to change their opinions to please a new superior. They had had long experience with colonial affairs and were particularly attached to the policies of Lord Hillsborough.[262] Dartmouth did not find his chief source of trouble, however, from these two worthies, for they were driven by conditions in the department to take the part of their new chief. Hillsborough had left a representative at the Board of Trade in the person of Bamber Gascoigne,

[260] Other differences of similar character are pointed out.

[261] "Knox Manuscripts" in Historical Manuscripts Commission, *Report*, vol. vi, 256.

[262] Shortly after Lord Dartmouth was appointed he received an anonymous communication warning him of the hostile attitude of these two towards the colonies. See *Dartmouth Manuscripts*.

who was looked upon in many quarters as the principal authority in colonial affairs. So intolerable did his influence become that John Pownall, on July 23, 1773, in a confidential note to his associate complained: "Our business has hitherto been so light as you could wish, and I think it is likely to continue so, for what can Lord Dartmouth have to do whilst Bamber Gascoigne is minister for America at the Board of Trade and Lord Suffolk at the Council Office, where they will not let us have anything to say, all councils for American business being in Lord Gower's absence held by Lord Suffolk." He regarded the situation as most serious and closed his letter with these words: "Lord North's blindness or rather indolence, in respect to the arts that are practised to ruin and disgrace our department, and ultimately himself, is astonishing and unpardonable." [263]

The causes for the delay were finally dissipated in April, 1773, and the Lords of Trade summoned Samuel Wharton to attend them. After some conversation they ordered "that the draught of a representation to His Majesty containing propositions respecting the establishment of the said government, and the grant of lands proposed to be made to Messrs. Walpole, Wharton and others, be prepared." [264] This draft was read and discussed several times and was finally signed May sixth.[265]

Wharton must have drawn a long breath of relief,

[263] "Knox Manuscripts" in Historical Manuscripts Commission, *Report*, vol. vi, 110.

[264] Public Record Office, *Colonial Office Papers*, 391.80, pp. 74, 76. The "Propositions" are existent in two forms, differing in some respects, particularly in the boundaries of the colony. The earlier form is in *Dartmouth Manuscripts*, C. 42, in which the boundaries are less extensive than in the final form, as given in the next chapter.

[265] A copy of the final report may be found in Pennsylvania Historical Society, Ohio Company, *Papers*, vol. ii, 20.

when this decisive step had been taken. The realization of his hopes seemed in sight. It was now over four years since he had sailed from New York on his mission. Eventful years they had been. They had brought to him many new friends, had driven him into many new experiences, and had secured for him great political influence among several of the political factions of the mother country. He must have looked back over these years with satisfaction in what he had accomplished; but to him undoubtedly the greatest event was his triumph over Lord Hillsborough. Standing in the Cockpit, that symbol of imperial authority, and surrounded by the noblest lords and men of politics in Great Britain, he, a Philadelphia merchant, had successfully defended his petition against the criticisms of the colonial secretary. Yet his triumph was more than personal, for in speaking selfishly to further his own interests he was in a sense the spokesman of all Americans in their claim to the right to colonize the Mississippi Valley. The new West with its infinite possibilities for business enterprise, hitherto almost inarticulate, had found a voice in Samuel Wharton and at the very center of the British Empire had dared to defend its principles.

## VI. MINISTERIAL DELAYS AND OFFICIAL INEFFICIENCY

*The affair of the grant goes on but slowly. I do not clearly see land. I begin to be a little of the sailor's mind when they were handling a cable out of a store into a ship, and one of 'em said: "'Tis a long, heavy cable. I wish we could see the end." "D—n me," says another, "if I believe it has any end; somebody has cut it off."*

– BENJAMIN FRANKLIN.

The year 1773 opened with most propitious auspices for all those who were interested in the exploitation of western lands and in particular for those who had united their fortunes to the project that had been so ably promoted by Samuel Wharton. The successor of Lord Hillsborough had been selected with the avowed purpose of forwarding the enterprise in the upper Ohio Valley. Dartmouth's own principles were known to be in favor of western expansion, and he was himself sufficiently interested in land speculation to have a sympathetic feeling for all those whose eyes were turned towards the land lying at the back of the mountains. He possessed large holdings in the colony of East Florida, the settlement of which he was at this very time promoting; and his penchant for land investments was so well known that friends ventured to call his attention to opportunities to extend his operations.[266] In addition

[266] There are many letters among the *Dartmouth Manuscripts* about Lord Dartmouth's lands in East Florida. He possessed forty thousand acres west of the Indian boundary line; see De Brahm to Dartmouth, October 23, 1773, enclosure. His known interest in land speculation induced Edward Foy to write him, September 22, 1773, a long letter on the opportunities to invest in various parts of America.

to these favorable omens the new colonial secretary's friendliness for America gave encouragement to the hope that all issues between the colonies and the mother country would be finally settled in such a manner as to secure peace. The year which opened with such brilliant hopes ended in despair. Wharton's enterprise had reached a seeming deadlock, all land grants by the governors had been prohibited, and in the opening of the next year the administration was preparing those punitive measures for the colony of Massachusetts which led directly to war. The year was simply the period of calm which precedes the storm.

At the close of the last chapter it was seen that Lord Dartmouth had succeeded in one of the purposes for which he had been appointed and that the Board of Trade had finally made a report on the colonial project. The recommendations of the report could scarcely have satisfied Wharton more completely if he had written them himself. A much larger area was to "be separated from the colony of Virginia" for the purpose of founding the colony of Vandalia than was contained in the proposed cession to the land company. The reason assigned for this enlargement of the boundaries was that law might be enforced throughout the whole region. The limits of the new colony cut Virginia entirely from the West; they were to extend from the boundary of Pennsylvania down the Ohio to the Kentucky River, up that river to its source and "thence by a straight line drawn from the springhead of the said river until it strikes that part of the Holstein River which is intersected by the North Line of Earl Granville's grant being the line that separates the province of North Carolina from that of Virginia," thence along that line to its intersection with the Great Kanawha, down that river

to the Green Briar River, up that river and up the northeast branch of it to the Alleghany Mountains, thence along Lord Fairfax's line. The rest of the eastern boundary coincided with the eastern line of the proposed land cession to the Grand Ohio Company, which has been already given.

The original draft of the "Propositions," containing the first conceptions of the Board of Trade, is now preserved in the *Dartmouth Manuscripts*. According to this the western boundary of the colony was marked by a line drawn south from the mouth of the Scioto, and all settlement was prohibited between it and the Indian boundary line. The "Propositions" in the final form moved the western limits of the colony to the Kentucky River and omitted the prohibition concerning settlements, since according to the map drawn by John Stuart such prohibition had no longer any meaning, the Indian boundary line and the western boundary of the colony being identical. Stuart's mistake in naming the Louisa River had thus become of great importance and had received further official sanction.

Within the colony the territory for which the Grand Ohio Company petitioned was granted in propriety to Thomas Walpole and associates and could be sold by them under certain reservations. Upon the day the grant should be made the proprietors were to pay £10,460 7s. 3d. in accordance with their agreement with the treasury on April 7, 1770. The grantees were to pay to the crown yearly, after the expiration of twenty years, two shillings sterling for every one hundred acres which they should "demise, plant or settle." All leases were to be registered within six months in the office of the secretary of the colony, and duplicates of such registration were to be sent to the auditor of the

plantations. The propriety was further burdened with the annual payment of twenty-six hundred pounds for the support of the colonial government – the salaries of the principal officials were fixed by the report – until other proper provision should be made by law.[267]

The crown was to retain possession of the land within the colony lying outside the propriety. This would in the course of time be sold by the treasury, and it was expected that the sum realized by this means would create a considerable American fund such as Lord Shelburne had recommended so strongly. In a succeeding chapter it will be seen that the administration was preparing a new method of land sale which it was hoped would be free from the errors of the old system. There is in existence no authoritative statement of the method proposed for the sale of land in the propriety or of the distribution of the proceeds among the seventy-two shareholders, but according to the testimony of the letters from Wharton and others it is evident that they expected large profits.[268] George Croghan was very enthusiastic over the prospect of the company. He wrote:

> By the best accounts I can larn the limits of the new grant will contain thirty od millians of ac$^{rs}$ and the offise will open att L 10 Sterling per hundred and a half penny per a$^{r}$ quitrent which will make a handsome division to the 72.[269]

Certain important concessions were made to Virginia to placate her citizens for the loss of territory. All land grants which had been legally made within the

[267] The officers and their salaries were: governor, £1,000; chief justice, £500; two assistant judges, £400; attorney-general, £150; clerk of the assembly, £50; secretary, £200; two ministers of the gospel, £100 each.

[268] There is in existence [Franklin, *Papers*, vol. lviii, no. 37] a letter by an unknown to Benjamin Franklin, dated at Philadelphia, May 1, 1772, in which there is an interesting discussion of the best method of selling the lands and of the distribution of the profits.

[269] Croghan to Johnson, December 24, 1772 in *Johnson Manuscripts*, vol. xxv, 188.

ceded area prior to January 4, 1770, the date of the first petition of the Grand Ohio Company to the treasury, should be confirmed by the company. Special mention was made of the grants by the governor and council of Virginia before the proclamation of October 7, 1763, and of the two hundred thousand acres promised in 1754 to the officers and soldiers by Governor Dinwiddie.

The character of a colonial government proposed by the British Board of Trade just before the outbreak of the war over the issue of prerogative between the colonies and the mother country is of especial interest. There had been many discussions within the British ministry about the mistakes of the older provincial constitutions, and many politicians had been in favor of radical changes. The proprietary governments had been particularly subject to criticism, but even the royal provinces were not looked upon as possessing constitutions that fitted into the imperial plan. To many politicians it seemed that too great freedom had been permitted to these oversea British children, while by many others like Lord Shelburne and the Pittites generally it was thought the colonial constitutions were illiberal and archaic. During the course of the last few years certain definite issues between the colonies and the mother country had been discussed acrimoniously, and the battle-line of parties had been formed in both countries.

It might well be expected that the proposed constitution would represent some new ideal that had been developed out of this discussion and that provisions would be made in it to prevent the recurrence of the familiar issues that had arisen in the older communities. There are in the proposed constitution, however, few re-

minders of the contemporary disputes; it reproduces the well known lines of all royal colonies. Neither radical idealism nor reactionary conservatism exercised influences of any moment upon its provisions; instead of trying new experiments, the Board of Trade following typically English practice had recourse to forms which had the sanction of past experience.

In form the proposed government resembled those of the so-called royal colonies. The imperial control over local affairs was represented by a governor and a council of twelve to be appointed by the king, while popular rights were protected by a house of representatives, whose members, limited temporarily to twenty-four, were to be elected by the freeholders of the counties. Both representatives and electors must possess property qualifications[270] and be Protestants.[271] The assembly was to elect its own officers, with the exception of the clerk who was to be appointed by the crown. The election of the speaker was subjected to the negative of the governor.

Laws to regulate the internal policing and the economy of the province were to become effective immediately, but the usual power of disallowing them was reserved to the crown. No laws were to be passed for raising money, or affecting the interests of persons in their private estates or the trade and shipping of the kingdom, unless such laws contained clauses suspending their execution until the king's pleasure should be known. In time of war the king might authorize the passage of laws, to take effect immediately, for raising

[270] A representative must have in his own or his wife's name a freehold of a thousand acres. A voter must be twenty-one years of age or over and be possessed in his own or his wife's name of a freehold of two hundred acres.

[271] All officers were required to take the usual religious oaths, but there was the customary provision for Quakers.

the necessary sums to meet the exigencies of the unusual expense.

The judiciary system of the proposed colony consisted of a "superior court of judicature, a court of assize and general gaol-delivery" and courts of the justices of the peace. The superior court was to be held at such times as the governor and council should direct and was to consist of one chief justice and two assistant justices appointed by the king. There was no statement in the "Propositions" about the tenure of office of these officials. In general the jurisdiction of the court was the same as that which "the courts of King's Bench, Common Pleas and Exchequer within this kingdom have or ought to have." The provisions for justices of the peace and the courts of common pleas resembled those of the Virginia constitution. Certain other officials with duties of judicial type were to be appointed by the king. These were a clerk of the superior court, an attorney-general, a secretary of the colony to have charge of the records, and a receiver general to take charge of the quitrents, taxes, and duties due to the crown.

The Church of England was to be established as in Virginia and some other colonies. The Bishop of London could alone issue licenses to ministers. The governor was to have power of collating to all benefices, of granting licenses for marriages and for the probate of wills. Provisions for the support and government of the church were similar to those of Virginia. There was to be toleration of "all Protestants dissenting from the church of England whether they be Calvinists, Lutherans, Quakers, or under what denomination soever." Such dissenters were excused from the payment

of rates and taxes levied for the support of the established church.

After the foregoing report of the Board of Trade was made Wharton was able, for a short time, to keep the enterprise moving with accelerated speed along its way through the offices. On May 19 the Privy Council referred the affair to a committee for report.[272] Since Lord Gower, Lord Rochford, and Lord Dartmouth[273] were all on the committee, there could have been very little anxiety in the minds of Wharton and his friends about the result. It was not, however, until July 3 that the committee were "pleased to order, that His Majesty's attorney and sollicitor general, do prepare and lay before this committee a draught of a proper instrument to be passed under the great seal of Great Britain, containing a grant to the said Thos. Walpole Esr. and others his associates of the lands prayed for by their memorial."[274]

At last the end was in sight. Samuel Wharton's long period of lobbying seemed about to bear fruit. The passing of the grant and the establishment of the colony had taken more time than he had expected it would after the favorable report of the Board of Trade in May, at which time he informed his friends that he expected to sail for home by the end of the month or the first of June.[275] In spite of the postponement of his sailing he had reason to rejoice; and even that Cassandra of the enterprise, Benjamin Franklin, allowed his hopes to overcome somewhat his pessimism, and thought that

[272] Privy Council (Colonial), *Acts*, vol. v, 210.

[273] In a letter September 7, 1773, Rochford reminded Lord Dartmouth of remarks he made to him and Lord Gower while serving on the committee. See *Dartmouth Manuscripts*.

[274] "Order of the Lords of the Committee of Council." – *Idem*.

[275] W. Franklin to B. Franklin, July 29, 1773 in Franklin, *Papers*, vol. iii, no. 159.

"much more time can scarce be required to compleat the business." He added, however, "But 't is good not to be too sanguine." The attorney-general "may go into the country; and the privy councillors likewise; and some months pass before they get together again. Therefore, if you have any patience, use it."[276] Still this was optimism compared with his attitude in the previous April, when in reference to the interminable delays of British officialdom he had cited to a correspondent the old story of the despairing sailor who heaved at an apparently endless cable until convinced that some one had cut the end off.[277]

Franklin's cable story had been repeated in Philadelphia; and when news of Wharton's success reached the city, there were some sarcastic remarks made about the old philosopher in his dotage; but the story was a true parable; somebody had cut the end off. The attorney-general and the solicitor-general to whom the plan was now referred were men whose chief period of political activity falls within a time later than that covered by this book. Both men belonged to the type of professional politicians whose aim in life is self-advancement without regard to the finer distinctions of right and wrong. Edward Thurlow, the attorney-general, possessed perhaps greater genius, though his reputation depended much on his personal appearance which was so striking as to call from Charles Fox the *bon mot*: "No man ever was as wise as Thurlow looks." His genius was considered by his contemporaries to be of a high order but not properly balanced by application and hard study, so that he never was considered one of the learned lawyers of his day. Still his force

[276] Franklin to Foxcraft, July 14, 1773 in Franklin, *Writings* (ed. Smyth), vol. vi, 103.

[277] — *Idem*, vol. vi, 33.

of character, his logical mind, and ready wit won him high esteem. He entered politics under the wing of Lord Weymouth, a Bedfordite, and was appointed solicitor-general in 1770 and attorney-general a year later. After he had thus gained the notice of the king, he became by a gradual change of allegiance a member of the court faction to which he adhered for many years.[278]

Alexander Wedderburn was solicitor-general. He was perhaps not comparable in power and ability to Thurlow, but like him owed his success in life to skilful political management. A Scotchman by birth, he naturally attached himself first to Lord Bute; and later he became a trusted follower of George Grenville, distinguishing himself very greatly when the Grenvillites were in opposition. Soon after the death of his chief he deserted the opposition and accepted the position of solicitor-general, and can be, thereafter, counted a member of the court faction with Grenvillite relations.[279]

The next delay in the plan to form a colony on the Ohio came from these two law officers. On July 13, they made a report in which they raised objections to authorizing a grant in joint tenancy, which would "render it impossible to make any under grants with complete titles," and would create an estate that would pass into the possession of the last survivor of the company. They were of the opinion that the description of the boundaries was very indefinite: "The bounds are described to cross an indeterminate number of mountains, and then to run by the side of such moun-

[278] *Dictionary of National Biography*, art., "Thurlow;" Brougham, *Works*, vol. iii, 183. Two excellent sketches of Thurlow are to be found in "Knox Manuscripts" in Historical Manuscripts Commission, *Report*, vol. vi, 269, 676.

[279] *Dictionary of National Biography*, art., "Wedderburn;" Campbell, *Lives of the Lord Chancellors*, vol. vii, 203 ff.

tains; and along other mountains and by the north branch, or north easterly branch of rivers, which in the maps appear to have several branches corresponding to these descriptions." They added sarcastically: "We take it to be of the essence of His Majesty's grants that his majesty should appear to be informed of what he bestows." They raised the further point that the quitrents were not well secured to the crown, since "they are not reserved from the lands under granted."[280]

The full significance of this report of the law officers was not immediately appreciated by the friends of the enterprise, who thought that the objections stated were the only grounds for opposing the completion of the business. Lord Rochford met Thurlow and Wedderburn at dinner and talked over the whole subject with them and came to the conclusion that their objections might be easily removed. The petitioners did not desire a title in joint tenancy, and they made little objection to altering the clause in regard to the quitrents. When Rochford showed the lawyers a discussion of the boundaries drawn up by Samuel Wharton, they made light of their own criticism and said that it was only necessary for the committee of the Council to "overrule them, by ordering them to proceed in making out the grant, which they would do without any further delay." All this Rochford reported to Dartmouth on September 7 and asked him to concur in the proposed measure, to which the latter sent a favorable reply.[281] On October 28 the committee sent to the attorney-general and solicitor-general the order which they themselves had

[280] Privy Council Office, *Unbound Papers*, 1773 (2); also in *Dartmouth Manuscripts*.

[281] *Dartmouth Manuscripts*. Dartmouth's reply was dated September 9. Thurlow and Wedderburn told other members of the company the same thing as they told Rochford. See Wharton to Pitt, January 25, 1774, in *idem*.

recommended; and then the enterprise came to a standstill.[282] Every influence was now employed to persuade the two law officers to fulfill their promise; all was without effect. They answered by raising other objections to the character of the grant, but these were now seen to be mere excuses to cover up the real motive of their refusal.[283]

The stubborn opposition of Thurlow and Wedderburn to the Ohio colony is even more inexplicable, if possible, than that of Lord Hillsborough. Neither of them had any particular knowledge of, or interest in, the problem of western expansion. Their union in opposing the establishment of the colony is also difficult of explanation, for the two men were invariably to be found in opposite camps on every political question and never agreed on a single measure, according to Thurlow, until the coercive measures against Massachusetts were proposed in the spring of 1774.[284] Some powerful political influence, therefore, can alone explain their united action in thwarting the wishes of so many of their colleagues in administration. There has already been quoted the complaint written in July of this summer by one of the under-secretaries of the Colonial Department, John Pownall, that his chief could do nothing because Lord Suffolk controlled American affairs at the Council and Bamber Gascoigne in the Board of Trade.[285] If this complaint was well founded and if a

[282] Privy Council (Colonial), *Acts*, vol. v, 210. A copy of the order accompanies Rochford's letter to Dartmouth, September 23, 1773 in *Dartmouth Manuscripts*; also in Pennsylvania Historical Society, Ohio Company, *Papers*, vol. ii, 31; also Privy Council Office, *Unbound Papers*, 1773 (2). The committee was composed of the Archbishop of Canterbury, Earl of Rochford, Earl of Dartmouth, and Richard Rigby.

[283] See Wharton's long account of this transaction to Pitt, January 25, 1774 in *Dartmouth Manuscripts*.

[284] Walpole, *Last Journals*, vol. i, 324.

[285] J. Pownall to Knox, July 23, 1773 in "Knox Manuscripts" in Historical Manuscripts Commission, *Report*, vol. vi, 110.

story told by Governor Hutchinson of Massachusetts may be trusted, there is a possible, perhaps probable, explanation. Hutchinson recorded in his *Diary* that Jenkinson, one of the inner circle of the "King's friends," "told me a final stop was put to the Ohio grant; that soon after Lord Hillsborough resigned, one of the ministry, who he named, and I have forgot, who had greatly promoted it, altered his sentiments; and that if he had done it sooner, Lord H. need not have resigned, that F.[286] had offered to resign all his share and interest in the grant, but he believed to no purpose; it could not go on."[287] Though Lord Suffolk was not a member of the Grand Ohio Company, so far as is known, yet he did join the Bedfordites in the conspiracy to overthrow Lord Hillsborough; and, since he was the head of the Grenvillites, Wedderburn would doubtless do his bidding. He is, therefore, probably the minister who was named to Hutchinson. This does not, of course, explain the coöperation of Thurlow, but he may have preferred to avow his independence of the Bedford connection in this case.[288]

There is a possibility that the opposition of the two lawyers was partly caused by a real fear of western expansion.[289] General Thomas Gage left New York for London during the first part of June, 1773, in order to give his advice on colonial affairs to the ministry.

[286] A footnote in the *Diary* calls attention to the fact that this letter is doubtful and may be a T. It was meant undoubtedly for an F, namely Franklin.

[287] Hutchinson, *Diary and Letters*, vol. i, 185.

[288] It should be noticed that Horace Walpole thought that the delay was due to the scruples of Lord Dartmouth. Walpole, *Last Journals*, vol. i, 305.

[289] It should be noticed in this connection that there may have been also the fear of depopulating Great Britain. In discussing the Quebec Bill in 1774, Wedderburn said: "I think there ought to be no temptation held out to the subjects of England to quit their native soil, to increase colonies at the expense of this country." – Cavendish, *Debates of the House of Commons in the year 1774*, 57.

He must have arrived sometime during July, possibly before Thurlow and Wedderburn handed in their first opinion. It has already been seen that Gage had changed his opinion concerning the policy that should be pursued towards the West; from a radical expansionist he had become a most conservative anti-expansionist. He would advise, therefore, that every obstruction should be placed in the way of the westward movement of immigration, if it was desired to maintain peace with the Indians. A rumor was current in New York that it was his influence which now intervened to stay proceedings in the case of Vandalia. General Haldimand, who had been left in command of the army, wrote to Gage on November 4, 1773: "It is published here that there will be no government on the Ohio and that you are the cause of it.[290]

However influential Gage's advice may have been, the question of the ultimate settlement of the upper Ohio Valley was even less the real issue in this case than in that of the opposition shown by Hillsborough. Thurlow and Wedderburn entertained no objection to the colonization of that region; in fact their own words prove that they were unwilling to throw any hindrance in the way of people planting their homes where they would, so long as they did not invade the Indian reservation. In making excuses for their action to the petitioners they asserted, as Wharton reports, "that all settlers, and even those, who are now removing to settle, and all who should settle, until we obtained the royal grant, should not pay us for the lands they had settled on, but should be quieted in their respective possessions." Wharton lamented that such a doctrine should be preached "at a time, too, when the emigrants from

[290] British Museum, *Additional Manuscripts*, 21.665, f. 177.

Virginia, etc. do not stand in need of any such powerful encouragement, to seize the king's vacant lands upon the Ohio."[291] Again the suspicion arises that the influence of Virginia may have been potent in the councils of the cabinet.

One of the later objections of the two lawyers called for immediate action on the part of the friends of the land company. The legal arguments having been rather successfully met, one of the lawyers finally declared that they could not draw up the grant until the form of government was adopted. Wharton and his friends were astonished "at this lawyerly and unexpected declaration" and remarked "that it was much to be lamented, they had not thought proper to suggest six months ago . . . this new and extraordinary difficulty."[292] Upon learning of this new phase of the question Lord Dartmouth promised that he would take care immediately that his plan of government should be approved by the Privy Council.

A maneuver to defeat the law officers and to put the land scheme into operation was now devised by its friends. The form of government as recommended by the Board of Trade was to be accepted by the committee of the Privy Council, and then the action of the committee would be referred to the king in council. The adoption of it by this latter body would be a mere matter of form, and an order could be issued to the Board of Trade to prepare the governor's commission in which there would be inserted the form of government. Finally this commission would be referred to the attorney-general and solicitor-general as to its legal form without bringing the question of policy in any way before them.

[291] Wharton to Pitt, January 25, 1774 in *Dartmouth Manuscripts.*

[292] — *Idem.*

Thus by not drawing up a charter the opposition of the law officers could be circumvented.[293] For this method of founding a colony by issuing a governor's commission there was a recent precedent in the establishment of the colony of St. John's.

In order that public and political opinion might be rendered favorable to the enterprise, care was taken to issue pamphlets on the subject of western colonization. Arthur Young, the well known economic thinker and promoter of agriculture, was persuaded to lend his pen and wrote; *Observations on the Present State of the Waste Lands of Great Britain; Published on Occasion of the Establishment of a New Colony on the Ohio* (London, 1773). The main theme of the pamphlet, supported by references to Wharton's *Observations*, was that Great Britain would not suffer from emigration to the colonies. In January, 1774, Wharton printed his *Considerations on the Agreement of the Lords Commissioners of his Majesty's Treasury with the Honourable Thomas Walpole and the Associates* to defend the undertaking from the accusation of being a job. From these publications then it would appear that the two main criticisms of the colonial project were the danger of depopulating Great Britain and the fear that the proposed purchase was simply graft, to use a modern term.

The fatal year in the history of the relation of the American colonies with the mother country had come. The ships laden with tea had sailed for America and now were returning with the news of the refusal to receive the cargo and of the hostile act of Boston. On January 1, 1774, Thomas Wharton in Philadelphia wrote his brother in London: "[I] most ardently wish thou may be in possession of the grant, before the ar-

[293] *Dartmouth Manuscripts.*

rival of the full accounts respecting the conduct of the Americans touching the tea, as I fear it will strengthen our enemies to oppose the completion thereof."[294] The wish was not granted. On January 24 "the ship Polly, Captain Ayers, from Philadelphia, with six hundred chests of tea, with which he was chartered by the East India Company for that port, but was not permitted to land the same" dropped anchor in the River Thames.[295] A new era had begun. Before the question of the Vandalia colony should receive further attention from the ministry, that body was to become responsible for the passage of laws that were to light the firebrand as the signal of war. All plans for the West were lost to view in the smoke of battle waged over the issue born and reared in the eastern settlements. The Bloomsbury Gang had not waited in vain. The day for the enforcement of their colonial ideas had come.

The spectacular character of Samuel Wharton's operations may make the land speculations of his contemporaries appear by comparison insignificant; but, if the more detailed narrative of this London and Philadelphia project should give birth to such an idea, the truth would be obscured. The more complete information about Wharton's movements and his close connection with imperial politics are adequate reasons for the selection of his plans for the colony of Vandalia as a typical illustration of the speculative enterprises of the period; but it must not be forgotten that the ambition of this Quaker and his friends was shared by a large number of the American colonists and that some of the speculations, which are not so well known, were able in the end to show greater results than were ever obtained

294 *Wharton Manuscripts*, Pennsylvania Historical Society.

295 *Annual Register* (1774), p. 84.

by the Grand Ohio Company. One consequence of its operations must be here noted: since this company's interests were centered on the only large territory opened up by the Indian treaties, its rivals for favors were crowded out of the upper Ohio Valley and were compelled to cast their eyes to other regions; and at times they looked with longing beyond the Indian boundary line in the hope that the ministers might not enforce rigidly their measure of limited westward expansion. So persistent did the efforts and the importunities of the speculators become that the whole question of the far West was again forced on the attention of the ministry and a new western policy was formulated.

West Florida and the region to the north of it offered the most favorable field for operations on a large scale. Here was a territory lying on the seacoast with a hinterland easily accessible by the Mississippi River, and what was still better a territory whose settlement was encouraged by all members of the ministry. During the years following the peace of Paris the development of the colony had proved to be a distinct disappointment to the imperial government. The immediate result of the enthusiastic advertisements of its advantages had, indeed, attracted the attention of speculators momentarily, and many cessions situated in all parts of the colony had been taken up; but the accounts of the sickness of the soldiers, exaggerated by rumor, soon gave the colony such a bad name for unhealthiness that both settlements and speculations came to a sudden end. In 1770 Governor Chester could describe the colony as "little more at this day than the garrison town of Pensacola."[296]

A popular immigration into the northern parts of the

[296] Chester to Hillsborough, September 26, 1770, *Dartmouth Manuscripts*.

province which began in 1770 inaugurated a new era. In the spring of that year about eighty people, under the leadership of Samuel Wells and John McIntire, set out from Red Stone Creek in Pennsylvania, and traveling via Fort Pitt and the Ohio arrived in July at Natchez where they found shelter in the old fort. From there they wrote to Governor Chester of West Florida to ask for grants of land. They represented themselves as artisans and tradesmen anxious to make a permanent settlement. Emphasis was laid on the expectation that they would be followed shortly by a hundred families from Pennsylvania, Virginia, and North Carolina.[297]

This communication incited Governor Chester to activity; and, on September 26, he wrote to the colonial secretary an account of the coming of the settlers and pointed out the many advantages of promoting the settlement of the upper part of his colony. He assured Hillsborough that the communication by water was very easy, particularly if the canal by way of the Iberville were finished. From the towns that would spring up along the Mississippi the upper country as far north as the Illinois could be supplied with merchandise and in this way the trade of New Orleans with that region be brought to an end. He then came to the main point of his letter, the necessity of stationing troops at the former posts of Fort Bute and Natchez to protect the settlers. He thought that the reëstablishment of these posts would induce many of the French, who were dissatisfied with Spanish rule, to cross the river.[298]

[297] McIntire to Chester, July 19, 1770, and deposition of Daniel Huay, August 25, 1770 in *Dartmouth Manuscripts*. The above were in a wrapper marked "Copies of five letters (with Inclosures) from Governor Chester to the Earl of Hillsborough, in 1770 and 1771, relative to settlements on the Mississippi." The contents of the wrapper are now scattered.

[298] *Dartmouth Manuscripts*. On September 20, 1771, Chester wrote an-

Lord Hillsborough had no objection to the encouragement of emigration to West Florida. He had presided at the Board of Trade in the fall of 1763 when efforts were made to sell the lands along the coast of the Gulf of Mexico, and now as colonial secretary he was willing to pursue the same policy. On October 3, he had written to Governor Chester that he had the question of the settlement of the Mississippi region and the reëstablishment of the forts under consideration and that he wanted fuller information on these subjects. On February 11 of the next year he answered Chester's letter:

> It does not appear to me that there is any reasonable objection to the settlement of the lands at the Natchez nor any inpropriety in applying a part of the contingent fund to the supplying those who become adventurers in that country with what may be requisite under the difficulties and wants to which they must necessarily be exposed in forming a settlement that, if properly conducted, can not fail of being attended with very beneficial consequences to the colony.[299]

Other letters on the same subject were exchanged between the governor and the colonial secretary, the latter going so far as to assert that he had no objection to extending the boundaries of the colony; but no definite action was taken by the administration. The settlers at Natchez and those who followed them were left to provide for their own needs as best they could.

other long letter on the same subject and urged the colonial secretary to authorize the settlements to the north. See *Secretary of State's Letter Book, A.*

[299] Both letters in *Secretary of State's Letter Book, A.* These and other letters quoted from this source are probably to be found in the Public Record Office, but there are no transcripts of them in my collections. Chance put this manuscript volume of the "Letter Book" in my hands only a few weeks before the manuscript of this volume was sent to the press. Other letters of this interesting correspondence are: Chester to Hillsborough, June 23, September 20, 1771; Hillsborough to Chester, July 3, December 4, 1771; Chester to Dartmouth, August 28, 1773, the last being found also in *Dartmouth Manuscripts.*

In another matter of vital importance to the colony Lord Hillsborough failed to comprehend the necessity for prompt and decisive action. The cessions of land which had been made immediately after the close of the war were still unimproved and yet had never been cancelled. Thus they prevented the later comers from procuring clear titles to the most desirable lands, particularly to those situated on the bank of the Mississippi towards which the stream of immigration was now directed. Governor Chester urged Lord Hillsborough more than once to grant him authority to notify the claimants of these old cessions that they must comply within a fixed time with the conditions imposed by government or else forfeit their titles; but here again no steps were taken by the colonial secretary to promote the real interests of the colony. He returned his usual answer to the governor's letters: "he had the matter under consideration." [300]

The renewal of speculation in West Florida was contemporary with this beginning of immigration. The earlier unfavorable impression of the unhealthiness of the region was removed in great measure by the publication, in 1770, of *The Present State of the European Settlements on the Mississippi*.[301] This little book, dedicated to Lord Hillsborough, was written by Captain Philip Pittman who had spent several years traveling in his official capacity in various parts of the West. In his preface he sarcastically called attention to the fact that the books of Hennepin, Charlevoix, and Du Pratz should no longer be regarded as adequately describing the territory. He also expressed his surprise "that nobody has yet attempted to wipe off the unfavor-

[300] Chester to Hillsborough, June 23, Hillsborough to Chester, December 4, 1771 in *Secretary of State's Letter Book, A.*

[301] It has been edited by F. H. Hodder and reprinted, Cleveland, 1906.

able impressions that have taken place in the minds of many people, from the unjust reports made of the climate of West Florida, and which still retards the settling of that fine country."[302] Pittman's book was the forerunner of an outbreak of speculative energy in the colony.

One of the foremost figures in this later period of West Florida settlement was Montfort Browne, who was appointed lieutenant-governor of the colony in 1764 and served a short time as governor. His first speculative activities had been limited to the region along the coast, but he soon perceived the greater possibilities in the land lying along the Mississippi. In 1771 he formed a company in which there was associated with him the Earl of Eglinton, a member of the court faction, and William Taylor, who had recently been military commandant of the southern district, and petitioned on December 27, 1771, for the erection of a colony. The petitioners represented that "from a careful enquiry into the fertile, tho' uncultivated, part of His Majesty's dominions, adjoining to the Mississippi in North America, they are fully convinced, a colony there would be of the utmost advantage to Great Britain, whether considered in a commercial or political view."[303]

The petition was referred to the Board of Trade on January 10, 1772, and that body reported twelve days later.[304] Since the petitioners had not described the boundaries proposed, they were questioned. They explained that they had in mind the territory lying on

[302] Pittman, *Present State of the European Settlements* (ed. Hodder), (Cleveland, 1906), 24.

[303] Privy Council (Colonial), *Acts*, vol. v, 176.

[304] *Dartmouth Manuscripts.*

the river from Manchac to the mouth of the Yazoo River and extending eastward to "a river described in the maps of that country, as pursuing a course nearly parallel with the Mississippi." The Board of Trade was of the opinion that the description of the fertility of the country as contained in the petition was not exaggerated and that "the soil and climate [were] superior to any of His Majesty's North American colonies and accompanied with circumstances of commercial advantage, which few amongst them are in possession of; for, as it is natural to suppose, that being thus situated, it must become the emporium of all the peltry, which the vast River Mississippi in a course of above 2,000 miles collects from the British territories to the eastward." The Lords of Trade also pointed out that the commodities could find an easy access to the sea by the River Iberville and the lakes.

Thus the settlement of the lower valley seemed to offer a solution of that difficult problem of securing the profits of the West for British merchants. The Lords of Trade were, therefore, in favor of promoting the settlement upon the banks of the Mississippi by laying out a town near the Iberville, by reëstablishing Fort Bute or by building another fort, and by erecting a fort and laying out a town at Natchez; but they were of the opinion that the objects they had in mind could be best and most cheaply accomplished by continuing the territory petitioned for as a part of West Florida, since the sale of lands would undoubtedly pay for all the expense entailed. The final recommendation of the Board of Trade was that the governor be instructed not to make any more grants of land until further notice.[305] The empire itself was going into the sale of land, and a gen-

[305] Board of Trade report, January 22, 1773, *Dartmouth Manuscripts.*

eral plan of land grants in all royal colonies was soon to be prepared.[306]

The attention of speculators was by no means confined by that ministerial barrier, the Indian boundary line. West Florida and the upper Ohio Valley did not offer a sufficiently extensive field to satisfy American ambitions. From the earliest years of western speculation the region that forms the western portion of the present state of Kentucky had aroused the imaginations of the colonists. Its beautiful grass-covered valleys and its river systems connected with those great arteries of the future western commerce, the Ohio and the Mississippi, beckoned the home-seeker away even from regions situated nearer to the centers of colonial population. The valleys of the Kentucky rivers had long been known to the white men. In earlier years the boats of the French from New Orleans and the Illinois country had brought hither trappers and traders in the pursuit of the fur-bearing animals with which the country abounded. Later hundreds of British boatsmen on their way to Kaskaskia had skirted its shores and marked with appreciating eye the places most favorable for settlement. Year after year the firm of Baynton, Wharton, and Morgan sent their hunters up the rivers of Kentucky for furs and for buffalo meat with which to supply the soldiers at Fort de Chartres.[307] It was this region which both the Mississippi Company of Virginia and the company of Military Adventurers represented by General Phineas Lyman of Connecticut had desired to exploit. This particular Virginia com-

[306] In Chapter viii there will be found a discussion of the new regulations for granting land.

[307] A study of the documents printed in Alvord and Carter, *The Critical Period*, and *The new Régime* [Illinois *Historical Collections*, vols. x and xi] will amply prove the above statements.

pany had now abandoned its earlier plan, and even General Lyman after many years of waiting in London had, in the year 1772, returned in discouragement to his home.

All that Lyman had obtained for his patient attendance on influential politicians was a cession of twenty thousand acres of land in West Florida.[308] At a meeting of his land company at Hartford, he reported, upon what authority it is unknown, that an order in council had been passed "authorizing the governor of West Florida to grant lands in that province in the same proportion and manner" to provincial troops as to the regular.[309] At about the time that his company was assembling at this meeting news arrived of the appointment of Lord Dartmouth as colonial secretary. Dartmouth's friendship to western enterprises renewed the hope in General Lyman's breast that there was now an opportunity to put in execution his earlier project. He, therefore, wrote a letter on October 21, 1772, to congratulate his friend on his promotion and at the same time to recommend his plan for forming a colony on the Mississippi, which he said would not cost much provided a quitrent were paid immediately.[310] This letter was followed in December by a more explicit statement of his plans. In order to forestall the argument based on the possible depopulation of Great Britain, he pointed out that all the lands in Connecticut were taken up and

[308] Public Record Office, *Colonial Office Papers*, 391.77, pp. 44, 55, 60-62. He petitioned for 150,000 acres around Natchez on February 9, 1770, then for the smaller grant on March 9 and obtained a favorable report from the Board of Trade. On March 16, 1770, this report was referred to the Committee of the Council. See Privy Council (Colonial), *Acts*, vol. v, 594.

[309] Hildreth, *Memoirs of the early Pioneer Settlers of Ohio*, 38. Lyman brought no document to support his statement nor did the provincial soldiers find that such authority had been conferred on the governor. See *idem*, 39, 40.

[310] Lyman to Dartmouth, October 21, 1773 in *Dartmouth Manuscripts*.

that there was an increase of about eight thousand in the population per annum, and in the whole of New England the increase was about thirty thousand. This growing population acted as an incentive to constant emigration to new lands. If this outflow of people from New England could be directed towards the Mississippi River, they would prove of great value to the empire, for they could raise indigo, hemp, flax, tobacco, and other products which were greatly needed. His proposal was that a colony be established in the country stretching from the gulf to the Ohio River with a width of about one hundred fifty to two hundred miles. He asserted that many thousand settlers were prepared to follow him to the West. In fact he was going anyway, he wrote, and expected to succeed even under the government of West Florida; but he thought the plan of a separate government would be better.

Lyman's proposal was not without support in England, where he had left many followers of his ideas. In the year 1772 there appeared anonymously from the press a volume entitled *Political Essays concerning the present State of the British Empire.* It has been ascribed with great probability to the prolific pen of Dr. John Campbell,[311] whose affiliations seem to have been with the court faction. The author discussed the western colonial policy at considerable length with great acumen and understanding. His final recommendation was that West Florida be extended to about the thirty-third degree of latitude and that a new colony be established in the area stretching from that point to the Ohio River.[312]

The writer of the *Political Essays* may not have had

[311] By Sabin, but not so ascribed in the article on Campbell in the *Dictionary of National Biography.*

[312] Pages 382, 383.

any connection with a particular land scheme, but a pamphlet that appeared in 1773 was written with the evident intention of promoting some undertaking already formulated, and the general character of the arguments induces reminiscences of the earlier memorials of General Lyman. The author of *The Advantages of a Settlement upon the Ohio in North America* discussed the region with a knowledge gained for the most part from French authors and did not advance any new ideas on the subject.[313] The colony which he proposed was to be situated on the Mississippi and Ohio Rivers.

How far the ministry really considered the establishment of a colony to the west of Vandalia can not be told. The idea took concrete form, however, among interested parties and a name was chosen for the proposed province. Since the queen was to be honored in the name of Vandalia this more western land which represented the most extreme hopes of speculators was to be christened by a still more mighty name. "Georgiana" would symbolize the ideals which the king, at least in the earlier years of his reign, had held.[314]

General Lyman had no intention of waiting for the ministry to act. In December, 1772, a committee of the "Military Adventurers" was sent to view the region.[315] They found all the good lands taken up as far

[313] The date on the title page is 1763, but since mention is made of the report of the Board of Trade for 1772 [page 42] there can be no doubt about the correct date. Since the pamphlet is unmentioned in the list of publications in the *Gentleman's Magazine* and the *Scot's Magazine*, it was probably privately printed like Wharton's pamphlets for distribution among men of influence.

[314] So called in Adair, *The History of the American Indians*, 459. This was published in 1775. It is most likely that Adair knew about a plan in which Patrick Henry was interested rather than about that of Lyman.

[315] The members of this committee were Rufus and Israel Putnam, Captain Enos, and Thaddeus Lyman. An account of their journey, based on the journal of Rufus Putnam, may be found in Hildreth, *Memoirs of the Early Pioneer Settlers of Ohio*, 38 ff. Chester informed Dartmouth, on May 16,

north as Natchez, and they chose for their settlement the area to the north of that village. Having learned that the governor of West Florida had received no instructions to make grants to provincial officers, the committee petitioned for land on the same terms as other settlers. This petition was granted on the condition of occupation by March 1, 1774.[316] The report of the committee was so favorable that many hundred families from Connecticut and Massachusetts, among them that of General Lyman, set out by the sea or *via* the Ohio River to the new settlement; but they were met with a new disappointment. In October, 1773, Governor Chester had been forbidden to make any more grants of land until the new method which the ministry was devising should be promulgated. Squatters' rights for his company were all that Lyman had obtained by his years of endeavor.[317]

The plans of Wharton and of the West Florida speculators were built on the reasonable hope that the British ministry might be persuaded to grant authority to plant colonies or settlements in the West. The promoters had spent money and time freely in the effort to gain this end, but all had been in vain. Through an opposition due to politics and stubbornness the most promising enterprise had been brought to naught and even the less aspiring plans, such as the settlement at

1773, of the coming of Lyman's party. He also wrote that a clergyman from New Jersey with some of his parishioners had gone to settle at Natchez. See *Secretary of State's Letter Book, A.*

[316] Hildreth, *Memoirs of the Early Pioneer Settlers*, 50. The same report about the right of the provincial troops to land under the proclamation of 1763 induced George Washington to investigate lands in West Florida. See Washington, *Writings* (ed. Ford), vol. ii, 372.

[317] For this undertaking see Dwight, *Travels in New England and New York*, vol. i, 271 ff.; *Memoirs and adventures of Captain Matthew Phelps* (ed. Haswell). Phelps was one of the settlers, and like the others he and his family suffered indescribable hardships.

Natchez, had been obstructed by a lack of attention and by inefficiency. With these results as an example there was little encouragement to follow the road of imperial law, for while the members of the administration were making up their minds in regard to the best policy, the most available lands were being secured by men who did not send to Westminster for their authority.

## VII. THE BREAKDOWN OF THE MINISTERIAL POLICY

*A few years ago, the genius of a minister, supported by your fleets and armies, set you at the head of the world. The East and West Indies were in your hands: your infant hands were not able to grasp the world. Instead of that, you have been pursuing small criminals; instead of giving law to the world, you have, like the Roman emperor, been staying at home, catching and torturing flies.* – COLONEL BARRÉ.

America has been rightly named the land of infinite opportunities. For ages its resources had lain on the surface and within the depths of its soil awaiting development at the hands of men of genius. The first representatives of the European nations came and Nature herself began immediately to mold them into the instruments for her own conquest. The opportunities that she proffered on every side quickened their perceptive powers, spurred their imaginations, strengthened their self-assertiveness, and developed their egoism. In particular the men who came from Great Britain and their associates from other lands have been remolded in the melting pot of frontier life. By the time these men had penetrated the interior beyond the reach of tide-water, the new type, developed out of the struggle with uncultivated nature, began to appear; and when the multitudes were swarming into the upper valleys the type had become established. Strong of body were these men of the new West, hardy, self-reliant, skilled in the crafts needed for self-support, readily adapting themselves to new conditions, and trained to perform all things needful in the fight with the primitive life around

them. With these characteristics their ideals corresponded; they were men of destiny, foreordained to the performance of a mission. They put into practice the precepts of the eighteenth-century economic thinkers; all unconsciously they became the living exponents of the principle of *laissez-faire, laissez-aller*. Ever ready to spurn the guidance and the control of state they preferred to perform for themselves as individuals tasks which have been commonly accomplished by government. In the centers of business they reached out in all directions after the profits offered so freely by nature; on the frontier, where the type was seen most purely developed, they shouldered their guns and axes and struck out for themselves to establish their homes in the wilderness. Both in business and on the frontier organized government has followed rather than preceded their enterprises.

Such men as these could not be held in check to await the slow deliberations of the British ministry. While that body was trying to learn from reports what measures should be promulgated, the men of the frontier, both speculators and pioneers, were acting with characteristic energy. The Virginians, as was usually the case, took the lead in all matters pertaining to the West and were pressing upon the imperial limits created by *fiat*, but unprotected by a cordon of British troops. They had been for years chafing at the restraints imposed on their freedom to enjoy the fields that appeared so attractive in the distance. Their patience could not endure much longer. It has already been seen how the news of the proposed colony of Vandalia was met by protest and how some of the Virginia leaders were somewhat pacified by admission into the Grand Ohio Company. This expedient, however, satisfied only a

few, the many were still planning to make the westward advance, when an opportunity should be offered.

From an apparent discouragement arising from deferred hopes, the speculators were aroused to renewed energy by the arrival in the fall of 1771 of a new governor. This was Lord Dunmore, who had been transferred from New York and came to his new duties as the appointee of Lord Hillsborough. He already had formed a decided opinion about Wharton's scheme. At the request of the colonial secretary he had attempted while in New York to learn the public opinion in that province towards the proposal to found a new colony. In a letter to the colonial secretary on November 12, 1770, he reported the results of his investigation: "I have made it my business to enquire and to find out the opinion of the people here, on the scheme in agitation of establishing a colony on the Ohio. I find all who have any knowledge of such affairs concur in condemning the project."[318] The reasons alleged were the distance from the seacoast, the draining of the population from the East, the consequent depreciation of land values in that region, and the danger of an Indian war.

Thus the new governor took up his duties in Virginia with a prejudice against the proposed colony of Vandalia which his patron Hillsborough shared. The speculators, however, soon found that he had no prejudice against the settlement of the transmontane territory. Lord Dunmore had come to America with the purpose of increasing his fortune, and naturally he found congenial spirits within the speculative society of his new government; Virginia speculators had found their

[318] House of Burgesses, *Journals, 1770-1772*, p. xxvi; also New York *Colonial Documents*, vol. viii, 252.

patron; the governor was the greatest plunger of them all; the acquisition of a great landed estate in America was his object.[319] All his later western activities, and they were manifold, can be interpreted only by the assumption that Dunmore was making one attempt after another to win for himself an extensive property in land. In this ambition he had as advisers and abettors the prominent men of the colony, such as Doctor Walker and Colonel Lewis.[320] The governor had been in the colony only a few months when he joined with his new friends in an attempt to acquire the land added by the surveying party to that which was purchased from the Cherokee at the treaty of Lochaber.[321]

The suspicion naturally arises that the governor and his new friends did all in their power to defeat the Vandalia project; yet the proof of such a suspicion is not easily established. A petition of the settlers living on the frontiers of Augusta, Botetourt, and Fincastle Counties protesting against an annexation to the new colony bears every appearance of being inspired.[322] In sending this petition to England Dunmore urged the rights of Virginia in a guarded manner and pointed out the great need of establishing some form of government in the back country.[323] Later he argued strongly that the confirmation of the treaty of Lochaber had authorized

[319] The principal authority for this purpose of Lord Dunmore is the statement by Patrick Henry quoted at length on page 193.

[320] In the later war with the Indians the Lewis family was most prominent, Andrew Lewis being commander of one wing of the army.

[321] Hammond to Stanley, December 6, 1772 in *Dartmouth Manuscripts*. The statement is: "Lord Dunmore, and severall gentlemen of that country determined upon petitioning the king for some part of it." On November 19, 1773, there was a petition for 100,000 acres from Dunmore before the Privy Council. See Privy Council (Colonial), *Acts*, vol. v, 595.

[322] Ohio Company, *Papers*, vol. i, 62, in Pennsylvania Historical Society.

[323] Dunmore to Dartmouth, April 2, 1774 in *Dunmore Manuscripts* in Library of Congress.

the extension of the Virginia boundaries.[324] Scattered notices support the belief that Virginians were not greatly pleased with the ministerial policy; for instance, a correspondent of George Washington wrote that he had heard that the new colony had fallen through, and he thought that in consequence the conditions would be better.[325] On the whole, however, the references to the proposed colony in the letters of the period prove that there was a general acquiescence in the inevitable.[326]

In spite of this acquiescence, there was no apathy exhibited to their self-interests by the Virginians; they intended to make what capital they could out of the situation. Their main efforts were directed to securing titles to land within the territory proposed to be erected into the colony. The first obstacle in the way of accomplishing this was the prohibition of all land grants west of the mountains by the proclamation of 1763, a prohibition which had been repeated by Lord Hillsborough when he notified the Virginian government, on July 31, 1770, that the Lords of the Treasury had entered into agreement with the Grand Ohio Company for the sale of land.[327] This difficulty was overcome by ignoring the fact. Lord Dunmore later justified himself by asserting his belief that the confirmation of the Cherokee boundary line abrogated all past instruc-

[324] Dunmore to Dartmouth, December 24, 1774 in *idem*, and partially printed in Thwaites and Kellogg, *Dunmore's War*, 368 ff.

[325] Washington-Crawford, *Letters* (ed. Butterfield), 39.

[326] Washington wrote Crawford on September 25, 1773, that he was willing to take up lands "west of bounds of new colony." Crawford wrote on November 12, 1773, that Lord Dunmore had promised to patent lands on the Little Kanawha if the new government did not take place before he returned home. See *idem*, 30, 35. In Washington's public advertisement of his lands he assumed the erection of a new colony. See Washington, *Writings* (ed. Ford), vol. ii, 387.

[327] *Facts and Observations*, 36.

tions on the subject.[328] With this prohibition ineffective, all that was needed for a partial fulfillment of Virginians' hopes was some method of taking up land which would stand the test of law, for it was well known that Lord Dartmouth had insisted that all legal grants of land, made before the Grand Ohio Company handed its petition to the treasury in 1770, should be protected. Under this head came the promise of land to the officers and soldiers made in 1754 by Governor Dinwiddie. Wharton and his associates had agreed to the cession of two hundred thousand acres in one unbroken tract to take care of this promise. The Virginians were not, however, satisfied with this. Each claimant would have preferred to choose his own land, but under the skilful management of Washington, it was agreed that the total should be divided among twenty locations. Surveyors were accordingly sent out in every direction to select the best sites in anticipation of the final erection of the colony. This "garbling" of the land was quite contrary to the plans of the promoters of Vandalia, and they raised loud complaint over this engrossing of the best situations.[329]

Titles under Dinwiddie's proclamation would satisfy only a few of Dunmore's new friends. Other means must be found of extending the power of making land cessions. Notice has already been taken of the popular interpretation of the proclamation of 1763 that the rewards to the regular British officers and soldiers were made also to the provincial troops. This interpretation had been suggested in Virginia as early as 1768;

[328] Dunmore to Dartmouth, June 9, 1774 in *Dunmore Manuscripts.*

[329] *Facts and Observations, passim.* The whole pamphlet is a protest against the acts of the Virginians. Further evidence of this statement may be found in Thwaites and Kellogg, *Dunmore's War*; Washington-Crawford, *Letters* (ed. Butterfield); and Washington, *Writings* (ed. Ford), vol. ii.

Colonel Washington had begun to speculate in such titles shortly afterwards; General Lyman of Connecticut had reported in 1772 that the British administration had promised to instruct the governor of West Florida to issue such grants in his colony. During 1772 and 1773 this report that the provincials had rights under the proclamation became very widely believed. Before the speculators were able to persuade Lord Dunmore to make use of this means of opening the West to them, the necessity became more sharply defined by the receipt, in May, 1773, of that general prohibition, already mentioned, of all land grants whatsoever, that was issued by the British ministry to all governors of royal provinces in anticipation of a revision of the methods of disposing of the royal domain. Since this prohibition did not extend to rights under the proclamation of 1763, there was left only this one means of legally satisfying the hunger of Virginian speculators.

In the summer of 1773 Lord Dunmore visited Pittsburgh, and shortly afterwards rumors about his intentions and acts became a common topic on the frontier. In the autumn advertisements were published in the Pennsylvania *Gazette* by Captain William Thompson that he had surveyed lands in the Ohio Valley for the provincial officers.[330] Sir William Johnson heard of this and wrote on September 22 to Lord Dartmouth: "I find that a certain Captain Bullet with a large number of people from Virginia are gone down the Ohio beyond the limits of the proposed government with authority (as it is said) to survey and lay out lands there, which are to be forthwith patented."[331] Dunmore im-

[330] *Facts and Observations*, 50.

[331] New York *Colonial Documents*, vol. viii, 395.

mediately denied having granted any authority for such acts.[332] He probably told the truth, but shortly afterwards the officers of the provincial troops found an able spokesman in Washington, who wrote, on November 2, a letter to the governor setting forth arguments to prove the rights of provincials, and urging that the governor grant permission to make surveys for them beyond the western boundary of the proposed colony of Vandalia. Since this territory would all lie to the west of the Cherokee boundary line, he added, with a total blindness to the past policy of the ministry: "Nor is the right thereto, it is humbly presumed, by any means diminished by the nominal line, commonly called the Ministerial Line: since that transaction seems to have been considered by government as a temporary expedient, at the instigation of the Indian Agent, to satisfy the southern Indians, who, as it is said, have disclaimed any right to the very lands in contest; and no further regard has been paid to it by the ministers themselves." [333]

The arguments advanced by Washington and others had their effect:

> On the 15th of December, 1773, it was ordered by the Earl of Dunmore in Council, that the officers and soldiers, as well those, who had served during the last war in the British regiments in North America, and resided there, as those who were raised by the respective colonies, should be at liberty to locate the lands, they claimed, under the Royal Proclamation of October the 7th, 1763, wherever they should desire; and that every officer should be allowed a distinct survey, for every thousand acres.[334]

The surveyors to whom was given the official right to carry this order into effect inserted in the provincial

[332] The denial was made to Washington. See Washington, *Writings* (ed. Ford), vol. ii, 394.

[333] — *Idem*, 396.

[334] *Facts and Observations*, 53.

papers advertisements to attract possible customers.[335]

The year 1773 was an active one for both speculators and settlers in the back country. Their operations extended far down the Ohio Valley, for in their wild rush to engross the most favorable situations, the Virginians paid little heed to their solemn engagements with the Cherokee. It was in 1773 that Harrodsburg was founded, and in the same year that the town of Louisville was laid out for Dr. John Connolly, the western agent of Lord Dunmore. The latter inserted an advertisement of his lots in the newspapers.[336] George Washington having accumulated many very desirable surveys in different spaces east of the Indian boundary also advertised his lands. In pointing out the particular advantages which his holdings offered he called attention to the fact that much of his land lay near the mouth of the Great Kanawha where the future capital of the new colony would be located.[337] Washington went farther afield for his settlers and sent to Great Britain and Ireland an agent who advertised in the local papers there and succeeded in persuading many families to venture their future in the Ohio Valley.[338] It was such efforts of the colonists that seemed to justify the fears of depopulation of Great Britain and Ireland entertained by men like Lord Hillsborough.

The acts of the Virginians called forth the loudest protests from the members of the Grand Ohio Com-

[335] *Facts and Observations*, 55.

[336] The survey had been made by Bullett in July. See Durrett, *The Centenary of Louisville* [Filson Club *Publications*, no. viii], 26, 131, 135. For an interesting journal of one of the surveying parties see "Hanson's Journal," in Thwaites and Kellogg, *Dunmore's War*, 110 ff.

[337] The advertisement was dated July 15, 1773. See Washington, *Writings* (ed. Ford), vol. ii, 386; *Facts and Observations*, 42, 47.

[338] The author of *Facts and Observations* [42] states that the agent certified to this fact under oath.

pany. Their influence with the colonial secretary was great, and the latter sent to Dunmore a severe arraignment of his administration and prohibited him from continuing in his course.[339] Lord Dunmore answered the complaints and censure with his usual excuses; he asserted that he did not suppose the proclamation of 1763 was any longer in force, that he had never received any official notification of the limits of the proposed colony, and supposed the authorization of the treaty of Lochaber had opened for settlement the territory to that line.[340] He assumed the air of injured innocence and was ingenious in maintaining it. Dunmore had excellent advice in drafting his correspondence.

When this peremptory command from the colonial secretary was received Lord Dunmore was already engaged on a bolder and more potentially profitable scheme than any of his earlier ones, but unfortunately the exact nature of it is somewhat clouded in obscurity. Dunmore sent his agent, Doctor Connolly, to Pittsburgh in 1773 to take possession of that place as falling within the territory of Virginia. Since the western boundary of Pennsylvania had not yet been surveyed, there were many men on the frontier who believed that when the line was run the forks of the Ohio would fall several miles to the west. Wharton believed this and hoped to make this gateway of the West a part of his new colony. The Virginians entertained a similar belief and wished to possess this strategic position. Connolly, after rashly seizing the civil government, took possession of the fort, which had been abandoned by the

[339] Dartmouth to Dunmore, September 8, 1774, "Aspinwall Papers," in Massachusetts Historical Society, *Collections*, ser. 4, vol. x, 724.

[340] Dunmore to Dartmouth, June 9, 1774; same to same, December 24, 1774 in *Dunmore Manuscripts*. The first half of the second letter is printed in Thwaites and Kellogg, *Dunmore's War*, 368 ff.

British troops, repaired it, and rechristened it Fort Dunmore. The consequences were not long in following. Pennsylvania officials threw Connolly in jail, and a series of recriminating letters passed between the governors of the two provinces involved. Each made complaints to the home government, painting the acts of the rival colony in such colors as to intensify the belief in London that lawlessness like that of the "Tartars" reigned on the frontier.[341]

Worse chaos was to follow. The Indian war, which the British ministry had been trying to avoid for so many years, broke out. Ever since the treaty of Fort Stanwix the Shawnee had been dissatisfied. They had formerly inhabited the valley of the Cumberland River and looked upon the present territory of Kentucky as their own, though they had been living for many years north of the Ohio in subordination to the Six Nations. It was the autocratic confederacy of the Iroquois that had ceded the territory south of the Ohio to the British king; and in order to placate the Shawnee, Sir William Johnson had distributed many presents to them and had otherwise shown them honor beyond what their dependent position demanded. They were not, however, satisfied and began intriguing with the western Indians. Throughout the years 1771 to 1773 reports of the Shawnee's attempt to form a confederacy between the Indians of the Old Northwest and the southern Indians were sent to Sir William Johnson and John Stuart.[342] The former was successful in restraining the Six Na-

[341] The amount of material for writing the history of Virginia's attempt to secure Pittsburgh is enormous. The chief sources are to be found in *American Archives*, ser. 4, vol. i; *St. Clair Papers* (ed. Smyth), vol. i; "Letter-books of Thomas Wharton," in Pennsylvania *Magazine of History and Biography*, vol. xxxiii, 319 ff., 423 ff.; *Dunmore Manuscripts*; Craig, *Olden Time*, vol. i.

[342] New York *Colonial Documents*, vol. viii, 262 ff., 280, 291, 315, 316, 340, 361, 395.

tions, and the latter prevented the Cherokee and other southern tribes from uniting with the Shawnee for purposes of war. Thus those discontented Indians found themselves almost alone in their hostile intentions.

They watched in sullen silence the Virginians erecting their log cabins and forts upon their former habitat. No power seemed capable of resisting this advance of the white men. Now and then a white trader or hunter was met and murdered, but no concerted action was undertaken. From the feeling of numbed hopelessness the Shawnee and their friends, the Mingo,[343] were aroused by acts of wanton barbarity on the part of the invaders. The occasion for one of those inevitable clashes between Indian rights and the Americans' desire for land occurred. On account of the disturbances on the frontier and of the murder of several white invaders of Indian territory John Connolly, on April 21, 1774, sent an open letter to his agents on the Ohio to hold themselves in readiness to repel an Indian attack. Some frontiersmen understood this as a declaration of war, and Connolly may have so intended it. At any rate it was followed by the murders of several Indian parties, one such act being among the most brutal in the annals of border warfare.[344]

The frontier was hurled into a turmoil by these events. Messengers were sent to the surveying parties that had gone down the Ohio and to the distant settle-

[343] A name given a detached band of Iroquois living in the territory of modern Ohio.

[344] The details of Dunmore's War do not concern us here. For these see *American Archives*, fourth ser., vol. i, 468 and elsewhere; Thwaites and Kellogg, *Dunmore's War, passim*; Mayer, *Logan and Cresap*. For the Pennsylvania side of the story see the "Letter-book of Thomas Wharton," in Pennsylvania *Magazine of History and Biography*, vol. xxxiii; Smith, *St. Clair Papers*, vol. i. The attitude of Sir William Johnson can be followed in his manuscripts and in the New York *Colonial Documents*, vol. viii.

ments to sound the alarm. The settlers threw themselves into their stockade forts or withdrew entirely from their homes. It looked at one time as if the whole Holston River district would be entirely deserted. The far distant Harrodsburg which had been founded in the spring was actually abandoned.

Thus at the very moment that the British ministry was defending in Parliament its final western colonial policy embodied in the Quebec Act, the war cloud had darkened the Mississippi Valley. Conditions had repeated themselves. Eleven years before while measures for the West were under discussion war broke out, and the proclamation of 1763 was promulgated too late to prevent it; so now the same conditions brought about by the encroachments of the frontiersmen on the Indian hunting-grounds were the occasion of war, and the measure which was intended to make it impossible was put in operation too late to allay the fears of the Indians.[345]

In urging volunteers to join in the defense of the lands they had occupied Colonel William Preston, one of the most prominent of pioneers, wrote: "The Oppertunty we hav so long wished for, is now before us."[346] He expressed the feeling of the men around him. The opportunity of quieting the opposition to the Virginians' westward advance by overwhelming the Indians had come. It was with a somewhat similar feeling that Dunmore, on learning the results of deeds for which he was himself at least partially responsible, wrote to the county lieutenants to muster their militia at the rendezvous.[347] A Virginia army was to be led into the

[345] The Quebec Act did not affect the Old Southwest, but Dunmore's hostile expedition was aimed at the territory north of the Ohio River.

[346] Thwaites and Kellogg, *Dunmore's War*, 93.

[347] Dated June 10, 1774 in *idem*, 33.

region of the Old Northwest to contend there for the rights of the Old Dominion. Success would mean an extension of the colony's sphere of influence.

The events which followed the proclamation of war fall outside the period and field of this investigation and may therefore be passed over lightly. Dunmore's War was a success as interpreted from the Virginia viewpoint. The Indians were defeated in the famous battle of Point Pleasant on October 9, 1774, and the army advanced into the region north of the Ohio River. The battle had so dampened the spirit of the Indians who had not been able to arouse many tribes to join with them, that they soon sued for peace, which Dunmore granted. The terms of the peace of Camp Charlotte in the fall of 1774 provided for a mere cessation of arms with the usual condition of a return of prisoners. The line of the Ohio was established as a boundary between the colony and the northern Indians.[348] Dunmore made arrangements to meet the tribes next year at Pittsburgh, when the negotiations were to be continued.

What the governor of Virginia would have demanded at the final treaty is unknown because at the appointed time of meeting the thought of his western plans was driven from his mind by those events that proved to be the beginnings of the colonial war. The failure of Lord Dunmore to keep this engagement has thrown an obscurity around his motives in beginning the war which has been justly called by his name. Some have believed without warrant that Dunmore intended to arouse the Indians in order to distract the attention of the Virginians from seditious acts against the mother country.[349] Others have seen a sufficient explanation in

[348] Thwaites and Kellogg, *Dunmore's War*, 386.

[349] See discussion of this interpretation in *idem*, p. xxiv.

the long period of friction between the Indians and Americans on the border, and without doubt this friction caused the conditions out of which the war grew;[350] but this hardly explains the acts of Connolly and of his agents who seem to have been responsible for the immediate outbreak.

There are reasons for believing that the motives underlying these acts found their source in land speculation. Hemmed in by the proposed colony of Vandalia, Dunmore and his friends sought to gain a foothold north of the Ohio in the land which Virginia could still claim by charter right. The proof of such an interpretation can not be absolutely established, but the sequence of events preceding the outbreak of the war lends support to a statement made by Patrick Henry concerning the secret motives which led to the conflict. Henry was one of the Virginia delegates to the Congress at Philadelphia. Here he met Thomas Wharton, who invited the Virginian to breakfast. The ensuing conversation was thus reported to Thomas Walpole:

> We soon entered into conversation respecting the new Colony, as he was very desirous of knowing the general tenor of the constitution I gave him, to which he said, that on those general and Catholic principles there could not be the least doubt, but that it would settle at a most rapid rate; I told him it certainly would had not their governor [Lord Dunmore] taken up arms against the Indians, which created a war between them and us, and consequently drove the inhabitants from the new colony, who were making very great improvements. He replied, Lord Dunmore is your greatest friend, what he is doing will forever hereafter, secure the peace of your colony, by driving the Indians to an amazing distance from you; I opposed this by such arguments as occurred, and put some leading questions to discover if possible the real intentions of Dunmore for prosecuting

[350] This was Dunmore's own explanation. See Dunmore to Dartmouth, December 24, 1774 in Thwaites and Kellogg, *Dunmore's War*, 372 ff.

this unjust war, and was happy enough to succeed; he replied that he was well acquainted with the secret springs of this affair, and knew it would ultimately tend in the greatest happiness to the proprietors of Vandalia. I then beg him to explain himself as we were really ignorant thereof; on which he said, that he was at Williamsburg with Lord D. when Dr. Conolly first came there, that Conolly is a chatty, sensible man, and informed Lord Dunmore of the extreme richness of the lands which lay on both sides the Ohio; that the prohibitory orders which had been sent him relative to the land on the hither side (or Vandalia) had caused him to turn his thoughts to the opposite shore, and that as his Lordship was determined to settle his family in America he was really pursuing this war, in order to obtain by purchase or treaty from the natives a tract of territory on that side.[351]

The policy that the ministry had promulgated in March, 1768, had proved a failure. It had been expected that the Indian boundary line would forever prevent the clash between the natives and the pioneers; but the American settlers could not be restrained, and the hope of financial gain from the exploitation of the West had brought Indian war even in the region east of the boundary. Conditions in the near West had thus been a disappointment to the British administration, and the reports from the far West were not more reassuring.

The history of the Old Northwest is to a large extent the history of the fur trade in America. The forces of the old world that made themselves felt among the wigwams by its lakes and rivers, and within its woodlands were carried in the canoe or mackinac boat of the trader from Quebec and Montreal who penetrated these distant lands for the rich furs of the beaver, minx, fox, and other animals that were denizens of the sheltered

[351] T. Wharton to Walpole, September 23, 1774 in "Letter-book of Thomas Wharton," in Pennsylvania *Magazine of History and Biography*, vol. xxxiii, 445.

nooks in its unbroken wildernesses. From the time of the conquest of Canada by Great Britain the agents of the British houses, established in Quebec and Montreal, extended their operations into this new territory and quietly usurped the business which had formerly been conducted by the French. It became evident with the passing of the years that the Scottish merchants in particular were surpassing their rivals in the field.[352] These British firms had by 1773 become firmly established at Detroit, Mackinac, and Green Bay, and their agents traded in the territory which stretched from below the Illinois River to Lake Winnipeg. As General Gage wrote, the whole fur trade of this region centered in the northern colony. Here then was a trade which appeared worthy of consideration to the politicians of mercantilistic philosophy, and they were willing to go to considerable lengths to preserve and promote it.

The question of the administration of the Northwest was, however, not limited to the future development of the fur trade. Another very perplexing element thrust itself prominently into every discussion of this distant region. Scattered throughout the Great Lakes region and the Illinois country were the several small French villages for which no civil government had been provided by the proclamation of 1763. It had been expected that adequate supervision of this alien French population would be a duty of the superintendent of Indian affairs, but the failure to put into complete execution the imperial plan formed by the Grenville-Bedford ministry had left the management of the villages to the military commandants. Under the arbitrary rule of the officers of the army all these French communities passed through practically similar experi-

[352] See the Scottish names in the petitions from Quebec and Montreal printed in Shortt and Doughty, *Constitutional Documents*, 348.

ences, but it will be sufficient to tell the story of the Illinois villages as typical of the others.[353]

This problem of providing a suitable government for these communities lying within the Indian reservation was frequently on the minds of the British ministers, but no solution suggested itself. Lord Hillsborough in despair said that he wished the whole population could be moved to Quebec or some other province.[354] He lamented the ignorance exhibited in 1763, for, if the situation had then been known, these villages "would have been created into distinct governments, or made dependent upon those other colonies, of which they were either the offspring, or with which they did, by circumstances and situation, stand connected." [355]

General Gage, who had studied the western conditions with care and had convinced himself that Lord Barrington's plan to concentrate the troops in the eastern colonies offered the most advantages, advised the ministers, in 1768, to unite all the Illinois villages into one, appoint a governor, and select a council of the most intelligent inhabitants. He pointed out that such a government would be economical and that the villagers

[353] Another excellent reason is that the details of the history of the Illinois country have been worked out by C. E. Carter in his volume, *Great Britain and the Illinois Country*. No similar work is available for the other localities. Although I have seen many documents concerning the lake villages, still I do not possess copies of sufficient number to justify me in undertaking to work through their history nor for my purposes here is it necessary. For the most interesting episode in the history of Mackinac see Rogers, *Ponteach or the Savages of America: a Tragedy*, edited by Allan Nevins, 104-145.

[354] So ignorant of the true conditions were they that both Hillsborough and Gage determined to remove the people from Vincennes. They thought that this village had been settled only since 1763. On April 8, 1772, Gage sent a proclamation to Vincennes ordering the people to move away and was greatly surprised to learn of the age of the settlement. See Public Record Office, *Colonial Office Papers*, 5.90, p. 281. The petition to Gage from the inhabitants, dated September 18, 1772 is in *idem*, 5.90, p. 269.

[355] Hillsborough to Gage, December 9, 1768 in *idem*, 5.87, p. 367.

could defend themselves by their own militia, the officers of which could be utilized to keep the internal peace.[356] It was after the receipt of this letter that a special committee of the cabinet was appointed to study the situation.[357] The committee was appointed, however, to no purpose, for no decision was reached. Even when the British administration determined in 1771 to abandon all plans for the development of the far West and sent orders to Gage to remove the troops from the Illinois country, the fate of the French villages was still left in the balance.[358] The general realized, however, the impossibility of this total abandonment of the French population and took on himself the responsibility of ordering fifty soldiers with officers to remain at Kaskaskia until some steps should be taken to establish a civil government in the region.[359]

Meanwhile events were happening in the distant villages which were to complicate the situation still more seriously. In 1768, Lieutenant-colonel Wilkins had, without authority so far as is known, erected a court of justice.[360] At first this was composed for the most part of men of English speech, but gradually the personnel was changed by the introduction of Frenchmen. The principal influence in this court was exercised by George Morgan, the partner of Baynton, Wharton, and Morgan of Philadelphia. Finally Wilkins and Morgan became enemies, and several parties were formed. One of

356 Gage to Hillsborough, June 16, 1768 in Public Record Office, *Colonial Office Papers*, 5.89, p. 359.

357 Hillsborough to Gage, August 13, 1768 in *idem*, 5.86, p. 287.

358 Hillsborough wrote Gage about the failure to reach a decision on the disposition of the Illinois country, August 13, October 12, December 10, 1768; February 3, March 24, May 13, December 9, 1769; July 3, 1770; all in *idem*, 5.86, pp. 287, 327, 429; 87, pp. 143, 155, 179, 367; 88, p. 199.

359 Hillsborough to Gage, December 4, 1771, *idem*, 5.89, p. 359.

360 Carter in *Great Britain and the Illinois Country* [chapter ii] has discussed this problem at length.

these was purely French in character and appointed in 1770 Daniel Bloüin to represent their cause to General Gage. The ideas back of this movement were born of most liberal philosophy, and the representative proposed a constitution for his people similar to that of Connecticut.[361]

While these things were occurring the colonial secretary had finally come to the decision that some form of civil government must be inaugurated and told Gage to establish temporary arrangements such as he had already suggested.[362] Gage determined that the best method to manage this would be to send out a draft of a simple constitution and to instruct the officer in command to persuade the people to petition for it. This he did but completely failed to obtain any coöperation from the inhabitants, who stood firm on the instructions they had already given their agent. The latter was of course unable to accomplish anything. Thus no government was formed.[363] Lord Hillsborough's administration of the colonial office thus ended without any solution of the perplexities occasioned by the existence of the French villages in the heart of the Indian country. Sometime before his resignation he received from General Gage a proposal to take one step further in the abandonment of the West, namely the withdrawal of the few troops still remaining at Kaskaskia; but Hillsborough had no opportunity to answer this; the day of his inefficiency was over.

The successor to Hillsborough, Lord Dartmouth, entertained, as has been seen, very different ideas from

[361] See Carter, *Great Britain and the Illinois Country*, chapters v and vii.

[362] Hillsborough to Gage, December 4, 1771 in Public Record Office, *Colonial Office Papers*, 5.89, p. 359.

[363] On this paragraph see Hillsborough to Gage, December 4, 1771; Gage to Hillsborough, March 4, April 13, September 2, 1772; Hamilton to Gage, August 8, 1772; all in *idem*, 5.89, p. 359; 90, pp. 35, 51, 113, 119.

those of his predecessor. In one of his first letters to Gage, he wrote: "The state of the Illinois District appears to me in every light in which it is viewed to require a very serious consideration, and I will not fail to collect as soon as possible those informations which may enable me to form a judgement, as well of the arrangements which have already been made respecting that country, as of those which may be further necessary, considering it in the light of a colony of the king's subjects."[364] Gage's proposition to abandon the Illinois entirely was negatived in a cabinet meeting, and Dartmouth instructed him to leave the troops at Kaskaskia, as attention must be paid to the country lying along the Mississippi River, where the Spanish and French exercised too much influence.[365] In order that he might learn more fully of the conditions existing in the region, Dartmouth had an agent, Jehu Hay, sent to the Illinois to report,[366] but before he returned the ministers had been forced by other circumstances to reach a decision concerning the West. They had, in fact, found the means to supply the need of a civil government and still not to encourage settlement in the Old Northwest.

The final decision as to the future disposal of the territory north of the Ohio River was hastened by an occurrence in the Illinois country which seemed to the

[364] November 4, 1772 in Public Record Office, *Colonial Office Papers*, 5.90, p. 145.

[365] Paper endorsed "Memorandum of business upon which the king's pleasure is to be taken" in *Dartmouth Manuscripts*; Dartmouth to Gage, December 9, 1772 in Public Record Office, *Colonial Office Papers*, 5.90, p. 171.

[366] Haldimand to Dartmouth, March 2, 1774 in British Museum, *Additional Manuscripts*, 21, 695, f. 76; Haldimand to Lord, March 9, 1774 in *idem*, 21, 693, f. 355. Hay carried with him a proclamation of March 10, 1774, prohibiting all new settlement in the region. See *Johnson Manuscripts*, vol. xxv, 246. Hay's instructions, May 2, 1774, are in British Museum, *Additional Manuscripts*, 21, 693, f. 401.

ministry as of portentous character. To understand its character it will be necessary to turn back to the year, 1769, when Samuel Wharton first made his appearance in London. It will be remembered that that versatile Quaker visited England in order to obtain a confirmation of the land cession made by the Indians to those merchants who had suffered losses at the outbreak of the Conspiracy of Pontiac. Soon after his arrival he discovered that Lord Hillsborough had no intention of permitting the confirmation he desired.

Disappointed in his original expectation, Wharton formed, as has been narrated, the Grand Ohio Company which included the less important undertaking; but he was not the man to hang his hopes on one chance. In order to have another means of securing what he thought were the traders' rights, he obtained the following opinion from two eminent lawyers, Lord Camden, at the time lord chancellor, and Charles Yorke, shortly to hold the same eminent position:

> In respect to such places, as have been or shall be acquired by treaty or grant from any of the Indian princes or governments, your Majesties letters patents are not necessary the property of the soil vesting in the grantee by the Indian grants, subject only to your Majesties right of sovereignty over the settlements, as English settlements, and over the inhabitants, as English subjects, who carry with them your Majesties laws wherever they form colonies, and receive your Majesties protection, by virtue of your royal charters.[367]

[367] *The Illinois-Wabash Land Company Manuscript*, privately published by Cyrus H. McCormick. A copy is also to be found in Hall, *Sketches of History, Life and Manners in the West*, vol. ii, 352. In the introduction to the above publication by Mr. McCormick I pointed out that, since Charles Yorke was lord chancellor only for a few days in 1770 and his sickness which ended in his death precluded the giving of this opinion during that time, the date of the opinion must fall within the year 1769 after Wharton reached London. It was not delivered as a judicial but as a private opinion. According to the history of the opinion given by William Trent, the companion of Wharton, the opinion was privately given shortly after his arrival in England and for

The opinion was in no sense an uncommon one. Many public men agreed in the belief that the Indian nations were sovereign states with full power to dispose of their property, and the British government appeared to acquiesce in this by entering into formal treaties with them. In conversation Patrick Henry said that " he was convinced from every authority that the law knew, that a purchase from the natives was as full and ample a title as could be obtained."[368]

Wharton and Trent kept secret for a time the fact of their possession of an opinion from such eminent authorities, and it was a year or two later before it became the common property of speculators in America. General Gage said that he saw a copy of it before June, 1773;[369] and it appears to have been passed around rather freely at about that time. The first to make use of it was the Illinois Land Company. The founders of this association were David Franks and Company[370] of Philadelphia, a firm that entered the Illinois trade as rivals to Baynton, Wharton, and Morgan and remained in that region after the latter firm had with-

that reason he and Wharton did not petition for a confirmation of the traders' title. Pennsylvania Historical Society, Ohio Company, *Papers*, vol. ii, 37. The history as given in Hall's *Sketches* [252] is evidently incorrect.

[368] T. Wharton to Walpole, September 23, 1774 in Pennsylvania *Magazine of History and Biography*, vol. xxxiii, 445. For a concurrence in this opinion by others see Hogg to Henderson and Company, January, 1776, in Hall, *Sketches of History, Life and Manners in the West*, vol. ii, 252; Wharton's *Plain Facts*, 96 ff. contains a long opinion on the subject by Counsellor Henry Dagge, in which Patrick Henry concurred; this is also to be found in Wharton and Bancroft *View of the Title to Indiana.*

[369] His exact words were: You may obtain a copy "by application to Colonel Robertson, for he shewed it to me some time before I left America, in writing." – Gage to Haldimand, February 2, 1774 in British Museum, *Additional Manuscripts*, 21.665, f. 193.

[370] In an official document [*Kaskaskia Court Records*, 265, at Chester, Illinois], the members of the firm were David Franks, James Rumsey, Bernard Gratz, Michael Gratz, Alexander Ross, and William Murray, all of Philadelphia.

drawn. Franks and Company had their closest relations with the Lancaster County (Pennsylvania) traders who formed an independent group around Joseph Simon, William Trent, George Croghan, and others; these sometimes joined and sometimes opposed the Philadelphia group of traders which supported Samuel Wharton in his undertakings.[371]

The firm had not prospered in their western trade and so determined to try a speculation in land on a large scale. They associated with them in the enterprise a number of other men and sent in the spring of 1773 their representative, William Murray, to the Illinois country to make a large purchase of land from the Indians.[372] On his arrival Murray showed the opinion of the British lawyers to Captain Lord, who commanded at Kaskaskia. The latter, however, was not overawed by the weighty names and informed Murray that he "should not suffer him to settle any of the lands as it was expressly contrary to his Majesty's orders."[373] In spite of this threat Murray proceeded on his course, of which he gave his partners the following account: "In the month of June, 1773, I held several public conferences with the several tribes of the Illinois Nations of Indians, at Kaskaskias village; to all which conferences I invited to be present, the British

[371] These trading groups formed a much more important element in trade, land speculation, and politics than historians have generally credited them with. All large enterprises were promoted by such groups or by confederations of such groups. My attention has been more particularly called to this fact by an unpublished manuscript entitled "The American Movement West" by William V. Byers of St. Louis. The suggestiveness of his study is such that I regret it came to my hands too late to make a more extended use of it.

[372] Murray to partners, May 15, 1773, Pennsylvania Historical Society, Ohio Company, *Papers*, vol. ii, 21.

[373] Lord to Haldimand, July 3, 1773 in British Museum, *Additional Manuscripts*, 21730 f. 131.

officers and all the inhabitants of the place and a great number attended accordingly."[374] On July 5, he completed the purchase of two large tracts, one lying between the Ohio and the Mississippi River, and the other on the Illinois River.[375]

The members of the Illinois Land Company were all Pennsylvanians. They could, however, obtain no assistance in their enterprise from their own colony and so sent on April 19, 1774, a petition to the well known speculator, Lord Dunmore, governor of Virginia.[376] From him the company expected to find not only sympathy but also an authoritative endorsement of their title, for Virginia claimed under her charter the territory included in the Old Northwest.

Probably William Murray, who seems to have taken the initiative in this undertaking, did not expect to secure Dunmore's assistance without compensation. He knew the governor's land hunger; and the governor immediately perceived the value of the opinion of Lord Camden and Charles Yorke, which offered him the opportunity to promote his own ambitions. Patrick Henry is the authority for the statement that this opinion was the determining reason for his precipitating the Indian War.[377] In order to satisfy the desires of the governor, Murray created the Wabash Land Com-

[374] *An Account of the Proceedings of the Illinois and Ouabache Land Companies, etc.*

[375] The sales have been printed several times but can be most readily found in *American State Papers, Public Lands*, vol. ii, 108 ff. The boundaries of the tract on the Illinois River are impossible to trace. The cost of the treaty, interest on goods, and price paid amounted to $37,328.17 in 1796 according to a statement in *Account of the Proceedings of the Illinois and Ouabache Land Companies*. The subsequent purchase on the Wabash amounted to $42,477.73.

[376] Public Record Office, *Colonial Office Papers*, 5, 1352, p. 141.

[377] T. Wharton to Walpole, September 23, 1774, in Pennsylvania *Magazine of Biography and History*, vol. xxxiii, 445.

pany,[378] of which Lord Dunmore, several men from Maryland, Philadelphia, and London became members; and in October, 1775, there was purchased from the Indians two tracts of land on the Wabash River.

With the promise of such a reward Lord Dunmore wrote a most cordial recommendation of the Illinois Land Company to Lord Dartmouth:

> Whatever may be the law with respect to the title, there are, I think, divers reasons which should induce His Majesty to comply with the petition, so far at least as to admit the petitioners and their acquisitions if not into this government, into some other. . . I cannot then but think, that seeing there is no possibility of setting bounds to the settlements of the Americans, it would tend most to the advantage of His Majesty and to preserve the peace and order of the back countries, that His Majesty should indulge the views of adventurers like the present, who willingly conform to government.[379]

The purchase by the Illinois Land Company was not the first purchase by private individuals from the Indians to increase the perplexities and anger of the British ministry, nor was it the last.[380] Two earlier ones of importance had been conducted under more orderly circumstances. In July, 1772, at a conference with the Iroquois Sir William Johnson bought of the Indians a tract of one million acres situated in northwestern New York. The warrant for the purchase had been issued in 1770 by Lord Dunmore, at that time governor of

[378] This company was in existence by May 16, 1774, as shown by a letter of Murray to Gratz in Pennsylvania Historical Society, Ohio Company, *Papers*, vol. ii, 27.

[379] Dated May 16, 1774, Public Record Office, *Colonial Office Papers*, 5. 1352, p. 141. In a later letter Dunmore denied that he had any connection with the land company, but he did not mention the Wabash Land Company. Dunmore to Dartmouth, December 24, 1774, in *idem*, 5. 1353, p. 13.

[380] See a proposal of an earlier date, 1770, in which the promoters interested their kinsman, Philip Francis. It was proposed to buy from the Indians the territory stretching from the Scioto to the Wabash and from the Ohio to the lakes. Parkes, *Memoirs of Sir Philip Francis*, vol. i, 442, 448.

New York; and Governor Tryon, his successor, became a partner in the enterprise.[381] This did not receive the approval of the ministry. A purchase of a similar character occurred in Georgia. The Cherokee had become greatly indebted to the traders of that colony, and finally it was determined between the two parties that twenty million acres should be ceded by the Indians in liquidation of their indebtedness. John Stuart, the superintendent, tried to prevent the consummation of this, but was unable to overcome the influence of the governor, who succeeded in obtaining an order from Lord Dartmouth that the purchase be made in the name of the crown and then ceded to the traders.[382]

The example of William Murray in purchasing directly from the Indians without any suspicion of imperial authority was also followed by other speculators. On January 5, 1774, General Haldimand reported that two French inhabitants had bought land belonging to one of the Illinois tribes, but he suspected that they were agents of Murray.[383] It has already been seen that there is reason for believing that Lord Dunmore had in mind the consummation of a similar purchase in the region which now constitutes the state of Ohio. The most important purchase of this character was that of the territory lying between the Ohio, Kentucky, and Cumberland Rivers. This purchase was made by the

[381] New York *Colonial Documents*, vol. viii, 342, 373. Tryon to Dartmouth, June 2, 1773; same to same, April 17, 1775, in *Dartmouth Manuscripts*.

[382] The numerous letters concerning this purchase are in Public Record Office, *Colonial Office Papers*, 5.73 and 74. See particularly Dartmouth to Stuart, December 9, 1772, in *idem*, 5.73, p. 907. For some of the letters, and for other information, consult Georgia Historical Society, *Collections*, vol. iii, pt. 1, 87, and Georgia *Colonial Records*, vol. xvii, 707, 714, 769.

[383] Nothing more is known of this purchase. See Lord to Haldimand, September 3, 1773, Haldimand to Gage, January 5, 1774, in British Museum, *Additional Manuscripts*, 21, 731, f. 9, 21, 665, f. 189.

Transylvania Company, in 1775, from the Cherokee and repeated exactly the conditions of the Illinois purchase. The company was composed of North Carolinians, of whom the leading genius was Richard Henderson, who had been for many years investigating the West in the expectation of launching a large speculative scheme.[384] His agent in exploring the region of Kentucky was the well known pioneer and hunter Daniel Boone, whom fickle tradition has chosen to apotheosize as the prototype of western state makers of all generations. In 1769 Boone made his famous exploratory expedition and brought back favorable reports to his employers. Preparations were made, but Henderson was not ready to complete his purchase until March, 1775, when his company bought two large tracts of the Cherokee.[385] The larger of the two extended from the Kentucky River to the Cumberland and the smaller included land lying on the Holston, Clinch, Powell, and upper Cumberland Rivers.[386]

In his plans Henderson had outstripped by a short time a similar purchase proposed by a Virginia company. The men of that colony had accepted as probable the erection of the colony of Vandalia, but their charter claims still extended over the region lying to

[384] In this brief account of Henderson and Company's purchase of Transylvania I have followed the excellent articles by Archibald Henderson, "The Creative Forces in American Expansion," in *American Historical Review*, vol. xx, 86 ff., and "Richard Henderson and the Occupation of Kentucky," in Mississippi Valley *Historical Review*, vol. i, 341 ff.

[385] There is no proof that Henderson knew of the opinion of Lord Camden and Charles Yorke. Yet, since everybody attempted to keep that subject a secret, the failure to find mention of it in the papers of the company is not necessarily a proof of ignorance. What is strange is the account of the opinion written in January, 1776, as if a new discovery, by James Hogg the confidential agent of the company at the Continental Congress. See Hall, *Sketches of History, Life and Manners in the West*, vol. ii, 252.

[386] The boundaries are quoted from *idem*, vol. i, 251.

the west of the Kentucky River. Mention has already been made of the plan to exploit this region which Patrick Henry and some associates had formed in 1767. This plan was revived in the year 1774 when there was formed for the purpose of making a purchase from the Cherokee an association, in which were Patrick Henry, William Byrd, Ralph Wormley, Samuel Overton, John Page, and William Christian. They had heard of the well advertised opinion of Lord Camden and Charles Yorke and realized the opportunity offered by the Kentucky territory. They sent an agent to the west to sound the Indians who seemed willing to sell. The outbreak of the American Revolution brought this enterprise to an end.[387]

These latter purchases, whether contemplated or consummated, occurred too late to affect the British western policy and therefore after the period covered by the narrative of this study. A brief account of them has been written in order to show what tendencies were at work in speculative society, tendencies of which the men who were attempting to guide the empire were fully conscious and which they were anxious to control. It was not difficult for the members of Lord North's ministry to interpret the news of the occurrences from the border-land where white settler met Indian hunter as a proof that their policy of a boundary line almost lost in dense forests, unmarked on the high mountains, and unprotected by imperial officers, had failed. For months before the outbreak of the Indian war in 1774 the imperial ministers were expecting to hear that the tomahawk had been dug up and that the Indian war-whoop

[387] The source of this is a deposition by Patrick Henry partially quoted in Hall, *Sketches of History, Life and Manners in the West*, vol. i, 249. The original is in *Draper Manuscripts*, 1CC177. See also the depositions of Arthur Campbell and William Christian in *idem*, 167, 192.

was resounding along the banks of the Ohio and Great Kanawha. Any one of the numerous events of which they had news might be the presage of a bloody and costly war. The reënactment of the scenes of Pontiac's Conspiracy would mark the final breakdown of the British ministerial attempt to regulate the affairs of the Indians and of the white men in the Mississippi Valley.

## VIII. THE FINAL WESTERN POLICY

*We ought to expect no more of our rulers, than to do what upon the whole appears to be the best; and, if that can be made out to the satisfaction of our unbiassed judgement, we have surely no right to suppose their conduct to be governed by sinister or wicked motives. Had these considerations been attended to, the clamour, which has been endeavoured to be raised against the late act for the better regulating of the Province of Quebec, would never have been excited.*
– William Knox.

During the eleven years between the treaty of Paris in 1763 and the Quebec Act, British opinion so far as it found expression through the unstable administrations underwent great changes. With the close of the war the thought of the ministers was concentrated on the remodeling of the imperial machinery to produce greater efficiency. To accomplish this the Bute ministry was too unpopular and unintelligent, the Grenville-Bedford too petty and self-seeking; there followed a year of the Old Whig rule wherein the idea of imperialism was submerged; but under Chatham and his enthusiastic idealists the conception of a British Empire received its noblest statement, and a prophetic vision of its future development was delineated in its broadest outlines. When, in January, 1768, the American department was taken from Lord Shelburne, this idea of imperialistic reformation received a setback from which it never fully recovered. The methods of central control had proved to be expensive, and economy of administration became the ideal if not the practice of the politicians. Reformations were evaluated in

pounds sterling and rejected if the consummation made demands on the imperial treasury. In accordance with this new policy the regulation of the Indian trade was made a duty and burden of the colonies, distant forts were abandoned, troops were withdrawn from the frontiers, and all plans for the establishment of colonies at the expense of the crown were discarded.

Accompanying this spirit of economy there was to be observed that pettiness which is so frequently associated with parsimony in administration. The Townshend taxes were unstatesmanlike, but the conception of such a measure can not be compared to the puerile idea of retaliation exhibited in the retention of the tax on tea. The subterranean methods employed to drive Lord Hillsborough from the American department, though he himself was unfitted for the position, offer another example of the littleness to which politics had shrunk at this period. Truly the words of scorn hurled in anger from the lips of Colonel Barré were justified: "Instead of giving law to the world, you have, like the Roman emperor, been staying at home, catching and torturing flies." [388]

During the last two years before the outbreak of the American Revolution there was an attempt to revive the larger outlook, and imperial regulations did actually receive more attention. The measure proposed for East India, though here it was a question of obtaining, not of expending, money, carries reminiscences of the earlier ideas of Chatham and Shelburne. In the case of America also there are indications that the clash of interests between the mother country and the colonies had created an issue that had aroused in the politicians

[388] March 5, 1770. See Cavendish, *Debates in the House of Commons, during the Thirteenth Parliament*, vol. i, 499.

a broader view of their duties. A revived sense of imperialism led to the discussion and formulation of reform measures that foreshadowed the beginning of a new era; but what would have been the character of this new imperialism can never be known because the members of the administration, when there arrived the news of the colonists' scornful refusal of the tea, which had been shipped to America to appease the demands of the Bloomsbury Gang, joined their voices to the wild outcry for revenge raised on all sides and hysterically hurried through parliament those retaliatory measures that resulted in the outbreak of war.

The period of the demand for punitive measures began at the close of January, 1774; but for several months previous to that date the political world of Westminster was expecting that those ministers who harbored a kindly feeling towards the colonies would inaugurate the opposite policy. Lord North and Lord Dartmouth in particular were making strenuous efforts in favor of measures to reconcile the Americans. Franklin was informed that "there is a disposition to compose all differences with America before the next general election, as the trading and manufacturing part of the nation are generally our well-wishers, think we have been hardly used, and apprehend ill consequences from a continuance of the measures that we complain of."[389] This friendly disposition was sufficiently evident to convince Thomas Pownall, a firm friend of America, that he could accept office in the administration without being forced to disavow his principles.[390] It was a union of

[389] Franklin to Galloway, November 3, 1773, in Franklin, *Writings* (ed. Smyth), vol. vi, 151. See his analysis of the situation in the summer in his letter to Cushing, July 7 in *idem*, 78.

[390] Pownall to Dartmouth, March 20, 1773, in *Dartmouth Manuscripts*.

imperialistic sentiment with this desire to end the controversies with the colonies that gave the incentive to the reforms which were conceived and partially formulated during the year 1773.

The first measure concerned the method of granting land, a subject in which Lord Shelburne had once been so deeply interested. This nobleman had frequently insisted that the best means to create a fund adequate to meet the imperial expenses in America was to revise completely the colonial land laws so that the imperial treasury might benefit by the universal impulse of the colonists to purchase land; land sales and quitrents would soon provide a surplus in the treasury which could be employed in the colonies for the betterment of their conditions. The disorganized condition of the quitrents, as depicted in a previous chapter, proved the need of a reform; but it was not until the year 1773 that the administration returned to Shelburne's plan and pushed it through to completion. On April 7, 1773, the Privy Council prohibited the governors of the royal colonies from making any more grants of land until further notice, and at the same time ordered the Lords of Trade to take under their consideration the whole question and to report thereon.[391]

The Lords of Trade went to work on the problem with commendable earnestness and summoned many persons, among whom was Benjamin Franklin, to give information and advice. Upon investigation they found that those governors who might grant lands derived their powers solely from their "instructions," and

[391] For the prohibition see New York *Colonial Documents*, vol. viii, 357. There were present at this meeting of the Council, Lords Gower, Sandwich, Rochford, Suffolk, Dartmouth, and Mansfield. An exception to the prohibition was made in favor of the officers and soldiers who had been given grants by the proclamation of 1763.

that these powers differed very widely.[392] In Virginia the governor was restrained from granting more than one thousand acres in one cession to one person. The governor of Nova Scotia had the power to cede an hundred thousand acres, and the governors of East Florida and West Florida twenty thousand acres. Practically the only return from these land grants, save the fees and other dues to the colonial officers, was derived from the quitrents of varying amounts which were collectible, though very irregularly paid, after the lapse of a certain number of years. The desire to attract settlers brought about a rivalry among the colonies so that by headrights, bounties, and squatter's rights the means of obtaining land practically free was denied no one. The colonization of America had been unquestionably promoted by this generous policy, but the result had been that only in the proprietary colonies had the sale of land brought in an appreciable revenue.[393]

Besides the failure to collect a revenue from the sale of land, another serious evil had developed in the system as practiced in the colonies. This was due to the total lack of any regulations for surveying the plots. The freedom to locate his farm where he wished was generally granted the settler. The form of tracts was consequently most irregular, particularly in the middle and southern colonies where the warrant instead of the township system prevailed. The results are described by Governor Sharp of Maryland:

> The method always followed here of locating land warrants by selecting the most rich and fertile land without regarding any

[392] This information on the existing conditions is drawn from a Board of Trade paper in Public Record Office, *Colonial Office Papers* 5, no. 216, p. 5.

[393] For a discussion of this whole question see Ford, *Colonial Precedents of our National Land System* [University of Wisconsin, *Bulletin, History Series*, vol. ii, no. 2], 321-478.

> regularity of its area, or making one of its courses coincide with the boundary of the adjacent prior patented tract has left the land hitherto remaining vacant and uncultivated, in such irregular, small, and incommodious parcells that it is thought scarcely worth any one's while but those on whose possession it joins to take it up even at the common rate.[394]

The evils thus described were even worse in the land across the mountains where private avarice was allowed the greatest license which resulted in such legal complexities that the settlement of the region was adversely affected for many years.

The conclusions of the Board of Trade on the situation were reported on June 3, 1773; and the Privy Council ordered, on October 28, that additional instructions on the subject be prepared for the governors; but it was not until the second of the following February that these were passed upon.[395]

Certain very definite and equitable principles of good order lay at the basis of these new instructions. Hereafter there were to be no land grants made until prior surveys of the area proposed to be granted had been completed. When the surveyors had divided the area into regular lots of one hundred to one thousand acres, a map should be drawn and the lot numbered. All free grants by the governor were prohibited; the lots subject to a quitrent of a half penny per acre were to be sold by auction. The new system was revolutionary in character, and its promulgation occurred too short a time before the outbreak of the war between the col-

[394] Quoted in Ford, *Colonial Precedents of our National Land System*, 15.

[395] The "Report" is in Public Record Office, *Colonial Office Papers*, 324.21. For the action of the Council see Privy Council (Colonial), *Acts*, vol. v, 361. The instructions, dated February 3, are printed in New York *Colonial Documents*, vol. viii, 410. The province of Quebec was not affected by these new instructions as the lands were there granted according to the French method in accordance with instructions dated July 2, 1771. Munro, *Documents relating to the Seigniorial Tenure in Canada*, 240.

onies and the mother country to afford an opportunity for any governor to give it a test.[396] It can not be doubted, however, that under its operation many of the evils caused by the mistakes of the earlier instructions would have been prevented in the western region which it was intended soon to open up.

The reform received at first little attention in America where the greater issue of the relation of the colonies to the empire engaged men's minds; but the plan of the ministry to plant a colony to the west of the mountains had raised the question of the ownership of land to a vital issue in Virginia, where this new measure was immediately classed among the flagrant acts of tyranny. The voice of protest was here first raised. Thomas Jefferson had been elected a delegate to the colonial congress summoned to meet at Philadelphia to discuss concerted action against the mother country; but sickness prevented him from attending. He drew up, however, his thoughts on the impending struggle, and these were later published.[397] One of his grounds for complaint was the method in which the empire was preparing to administer the land. In the discussion of this Jefferson took an extreme view and denied that the

[396] There was considerable discussion of these instructions in England. William Knox wrote a paper on the subject. He disapproved of the plan because many officials who were loyal to the government would be deprived of fees. John Gordon, who had bought many Spanish titles to land in East Florida, discussed the question of the preservation of the quitrents. A Mr. Williamos wrote, November 18, 1773, on the same subject. He proposed laying out tracts in townships of twenty thousand acres, rectangular in shape. The land in every other township should be sold at a low price and then later the land of the other townships should be opened for settlement at an advanced figure. He reckoned that a district of 500,000 acres could be sold in this way for £49,000. The above papers are all in *Dartmouth Manuscripts*.

[397] *A Summary View of the Rights of British America set forth in some Resolutions intended for the inspection of the present Delegates of the People of Virginia now in Convention*, by a Native, and Member of the House of Burgesses, Williamsburg [1774]. This is most accessible in Jefferson, *Writings* (ed. Ford), vol. i or (Federal ed.) vol. ii.

vacant land in America was part of the king's domain. He wrote:

> Possessions there [in America] are undoubtedly of the allodial nature. Our ancestors, however, who emigrated hither, were farmers, not lawyers. The fictitious principle that all lands belong originally to the king, they were early persuaded to believe real; and accordingly took grants of their lands from the crown. And while the crown continued to grant for small sums, and on reasonable rents, there was no inducement to arrest the error, and lay it open to the public view. But his majesty has lately taken on him to advance the terms of purchase, and of holding to the double of what they were, by which means the acquisition of lands being rendered difficult, the population of our country is likely to be checked. It is time, therefore, for us to lay this matter before his majesty, and to declare that he has no right to grant lands of himself.[398]

The protest of Jefferson touched a responsive chord in the hearts of his contemporaries. The land question was indeed a vital one for all the colonists; and, when they came to draw up their indictment against the administration of George III. as a justification of the declaration of independence, the change in the method of land granting was written down as one of the "repeated injuries and usurpations" that were "submitted to a candid world." Thus it reads:

> He [George III.] has endeavoured to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

The second reform of the North ministry was destined to cause a louder outburst of criticism than the measure concerning land grants. The Quebec Act was passed for the purpose of correcting, after a lapse of almost eleven years, the wrongs inflicted on the French-

[398] Jefferson, *Writings*, (Federal ed.), vol. ii, 85.

Canadians by the blunder of 1763. The correction of the wrongs must be accounted one of the few statesmanlike measures of the ministry and should be given proper weight when the deeds and misdeeds of those men who brought on the American Revolution are placed in the balance; for it was proposed with boldness in the face of the inevitable criticism even from friends of the administration, and the inauguration of its provisions marked a decided step in the progress of religious and racial toleration among the British.

The problem had received careful attention from each of the previous ministries. It has already been seen that the Grenville-Bedford administration had found no time to correct the blunder they were conscious of having committed, and that the Old Whigs had worked out a policy, the discussion of which brought about their dismissal. After careful consideration the latter had reached decisions on the three important aspects of the Canadian problem. They had determined to base the law and law courts on English precedent and to modify this by the authorization of certain French customs. On the question of the form of government the Old Whigs had been conservative and had agreed on the appointment of a legislative council. In the case of the very perplexing question of religion, they had accepted the plan of their predecessors with its limited toleration and had sent a "superintendent" or bishop to Quebec.

The Chatham ministry also discussed all these phases, but there is not sufficient information to determine what their opinion on all three would have been. They initiated, however, the movement which led directly to the Quebec Act, and for that reason the account of their discussion of the Canadian problem is a necessary pref-

ace to the introduction of the bill by Lord North's ministry. The problem belonged in the department of Lord Shelburne, the secretary of state for the Southern Department. With his customary thoroughness he began his investigation of the existing conditions and many reports prepared for him by his learned assistants are extant; but the Old Whigs, now in opposition, had no intention of allowing the southern secretary the ample time he required to collect his data. Their resentment against Lord Northington for the part he had played in their overthrow had not cooled; and they wished to embarrass him, if that could be done, by making public the methods he had employed in defeating their plans for the French-Canadian colony. After careful planning among the leaders of the opposition the Duke of Richmond moved on May 21, 1767 that there be laid before the House of Lords the papers relating to that plan of civil government which had been the occasion for the overthrow of the Old Whigs.[399] As an attack the motion was not a success, since the administration immediately complied; but nothing daunted, Richmond proposed on June 2 the following resolutions in a committee of the whole:

> That it appears to this committee that Quebec . . . stands in need of regulations relative to the civil government and religious establishment. . . That it appears to this committee that no material steps have been taken as to the religious state of the province nor toward the settlement of the civil government since the 24th of June last.[400]

These resolutions of the Duke of Richmond were only

[399] Rockingham to Dartmouth, May 13, 1767, in *Dartmouth Manuscripts*; Newcastle to Canterbury, May 17, 1767, in British Museum, *Additional Manuscripts*, 32982, f. 48; Walpole, *Memoirs of George III*, vol. iii, 33; Privy Council (Colonial), *Acts*, vol. v, 90.

[400] British Museum, *Additional Manuscripts*, 32982, f. 225; Walpole, *Memoirs of George III.*, vol. iii, 40; Privy Council (Colonial), *Acts*, vol. v, 90.

parts of those maneuvers on the part of the opposition to destroy a ministry which seemed on the point of disintegration, and were made in the hope of promoting a union with the Grenvillites.[401]

The activity of the Old Whigs in demanding that something should be done to right the wrongs of the Canadians raised the future policy towards Quebec to the dignity of a paramount issue, which the administration was not yet ready to meet. Lord Shelburne had received early notice of the Duke of Richmond's intentions and set his assistants at work collecting information.[402] One paper dated May 17, 1767, appears to be an attempt to draft an opinion on the various subjects that would represent a progressive viewpoint.[403] It is addressed to Lord Shelburne and therefore can not be unconditionally interpreted as expressing his view, though it undoubtedly came from his *entourage*, and may have contained an opinion which he was willing to hold as a working hypothesis. The author of the paper was in favor of establishing an elective assembly, to which Roman Catholics in the proportion of a fourth of the membership should be elected. With a government composed of a governor, council, and assembly it would be no difficult matter "to reduce and assimilate such of the French laws, as it may be necessary to re-

401 Albemarle, *Rockingham Memoirs*, vol. ii, 38, 40.

402 The papers collected and drawn up at this time are in *Lansdowne Manuscripts*, vol. lxiv.

403 The paper endorsed, "Lord Shelburne to the Board of Trade on the Appointment of an Assembly and other things necessary to the settlement of Canada" is found in *idem*, vol. lxiv, 438-492. Bancroft [*History of the United States*, vol. vi, 55] accepts this as an expression of Shelburne's views, in which opinion Lord Fitzmaurice [*Life of Shelburne*, vol. i, 302] concurs; but in view of Shelburne's tendency to postpone final judgment until after an elaborate investigation, such as he inaugurated after the date of this paper, I can not help feeling that such an interpretation is untenable. Bancroft suggests with great probability Macleane as the author.

tain, to the standard of the English laws, and to make others." The writer was ready to adopt the new instructions on the laws and law courts as drafted by the Rockingham ministry,[404] "for it would appear that there was very little then wanting towards the regulation of affairs at Quebec;" and he allowed to be plainly seen his disgust at Lord Northington for refusing, evidently a few days before, to act upon a copy of these new instructions when the Board of Trade refused to send the original to the Privy Council.

There is another paper which probably expressed Lord Shelburne's thought even more completely and was doubtless the work of his friend and adviser, Maurice Morgann.[405] Like the author of the previous paper Morgann praises the plan for the law and law courts as formed by the Rockingham administration. His attitude towards the French-Canadians was most liberal. He wrote:

> Upon the whole the only way according to the best of my judgment of securing the attachment of the Canadians to this country is to treat them with the utmost lenity, and that the judges of the courts in Canada should be persons perfectly skilled in the French language in which case all legal disputes between Canadian and Canadian might be carried on in the French tongue, and decided by a French jury, and even for the present, the written pleadings might be in that language, and in case of calling a General Assembly, it seems equitable that a Canadian should be eligible, but the sole use of the English

[404] This willingness to accept the Rockingham program was contrary to Shelburne's own plan of sending to Quebec some one to investigate the whole subject. This he actually did later. If this paper differs in part from the colonial secretary's program, its testimony on other parts should not be too readily accepted in spite of its heading, which seems to place Shelburne's approval upon it. A description of the Rockingham instructions will be found in vol. i, page 262.

[405] It is entitled "An Account of the State of Canada from its Conquest to May, 1767," *Lansdowne Manuscripts*, vol. lxiv. In the paper previously outlined there is mention of "Mr. Morgann's paper."

> tongue in such an Assembly, which must necessarily be insisted upon, will prevent the election of any Canadians but such as are proper for that purpose; and this will without violence introduce into Canada, the study and practice of the English tongue. . . A colony possessed of rights and privileges and power of their own will soon forget their old servile attachments, and feel pride and spirit enough to resist subjection from whatever quarter it comes, or however concealed under the appearances of friendship and affection.

It was on May 29 that the committee of the Privy Council took under its consideration the Old Whigs' plan for Quebec.[406] Lord Northington was, however, still obdurate (it was the original document, not a copy now) and felt it necessary to raise the same objections that he had one year before.[407] Nothing further was done at this time, since the summer of 1767 was a most trying time for the Chatham ministry. It was the period of those negotiations with the leaders of the opposition which were undertaken in the expectation of dividing them or else of securing the aid of one of their factions for administration. As has been narrated, the ministry was successful in the former but not in the latter attempt; but with the death of Charles Townshend more coherence was acquired by government, and some of the ministerial plans were seriously taken up in the hope of finally accomplishing some part of that broad gauged program which had been outlined. The last days of summer and the early weeks of autumn were a period of ephemeral triumph for Lord Shelburne; he was able to place his western policy before his colleagues in such a light that, as has been seen, it was adopted. A couple of weeks before this success, the Privy Council had given him a vote of confidence

406 Privy Council (Colonial), *Acts*, vol. v, 91.

407 — *Idem*; see Northington to Grafton, August 9, 1767, in Grafton, *Autobiography*, 170.

by refusing to endorse the instructions which had been drafted by the Rockingham ministry and by placing unconditionally under Lord Shelburne's direction the investigations which he desired to inaugurate.[408]

This resolution of the Privy Council of August 28, 1767, is a proof that Lord Shelburne had been unable up to that time to decide what measures it would be best to propose. The attendance at the meeting was overwhelmingly Pittite in sentiment, so that the final conclusion may be interpreted as expressing the opinion of that body of progressives. "Their Lordships upon full consideration of the draught of instructions, are of opinion that the same is so general, and so unsupported by any specific or particular proof of any grievances in judicature, to which any particular and effectual reform or remedy can be applied (except what has already been given);" that there must be obtained thoroughly reliable information of conditions, before taking further steps. Certainly a most Shelburnist conclusion.

In accordance with this resolution Lord Shelburne ordered the governor, the chief justice, and attorney-general of Quebec to collect the required information, determine what was best to be done, formulate their conclusions into concrete ordinances, and send these to England to be passed by Parliament. Thus the solution of the Canadian policy was to be the work of men studying the conditions on the ground.[409] Shelburne sent to assist the local officials his confidential adviser in Canadian affairs, Maurice Morgann, a man whose reputation for learning rivalled that of Richard Jack-

[408] Resolution of the Privy Council, August 28, 1767. Shortt and Doughty, *Constitutional Documents*, 199; also in Privy Council (Colonial), *Acts*, vol. v, 94.

[409] Maseres to Walker, March 30, 1768, in British Museum, *Additional Manuscripts*, 35915, f. 259.

son.[410] The report of his agent was made long after Lord Shelburne was forced to yield the guidance of American affairs to the hands of another, and after he himself had left the ministry, so that it can not be known what his final plans for the civil government, the law, and the law courts of the province of Quebec would have been; but credit must be ascribed to him for initiating that careful investigation of existing conditions, the results of which were studied by his successors.[411]

The ideas of Lord Shelburne on the religious establishment can be more clearly learned than on the civil government. On the whole he was very tolerant in religious beliefs; and it is not surprising, therefore, that he found the ecclesiastical plan of the Grenville-Bedford ministry with its attempt to bribe or to drive the Canadians out of the Roman Catholic Church, a plan which the Old Whigs had partially inaugurated, as not wholly suited to his benevolent purpose of winning the new subjects from their old allegiance to France. He sent the plan of his predecessors with suggestions for changes to the archbishop of York, who returned it with alterations in conformity to the southern secretary's ideas.[412] The changes were all of a character to remove the Canadians' fear that their religion would be molested and that efforts would be made to force them into the Church of England. Instead of propos-

[410] Shelburne to Carleton, December 17, 1767, Shortt and Doughty, *Constitutional Documents*, 201. For an account of Morgann see article in the *Dictionary of National Biography*.

[411] It would be unsafe to interpret the bold statements on the Quebec question by Shelburne during the trying days of 1774 and 1775, reported in the *Parliamentary History* [vol. xviii, 673, 724] as representing his views in 1767. He was then in opposition and the punitive measures and the outbreak of the Revolutionary War had raised new and complex issues.

[412] The archbishop of York to Shelburne, April 10, 1767, in *Lansdowne Manuscripts*, vol. lix.

ing that the revenues from the sequestered property of the Jesuits and other orders be granted the Society for the Propagation of the Gospel for extending the Protestant religion and schools, this revenue was to be "applied to such public uses as shall be directed by His Majesty." Under the Grenville-Bedford plan all convents for women would have been abolished; under this plan the members would be limited. The full measure of equality with other religious beliefs would not have been secured, had Shelburne's policy been inaugurated; but the appearance of toleration would have been satisfactory, and the parishes would have been supported from the payment of tithes by those who adhered to their faith.[413]

From the foregoing account it is evident that no completely thought-out policy can be assigned to Lord Shelburne and his friends; but with some degree of probability the following ideas on the subject were in their minds. The promise of an elective assembly made by the proclamation of 1763 should be kept, and to this French-Canadians of the Roman Catholic faith who spoke English might, within well defined limits, be elected; after a careful study of the law, the local officials aided by Lord Shelburne's representative were to work out a system composed of the English and French systems suited to the conditions of the colonies and this was to be referred to Parliament; the Roman Catholic religion should be tolerated under limitations designed to safeguard the British supremacy. Under

[413] The Grenville-Bedford plan for ecclesiastical affairs was also referred to the law officers of government, who reported on January 18, 1768. One point raised by them is of special interest. They wrote: "The exemption of Protestants from paying tithes and dues to the Romish clergy cannot be effected by the Royal prerogative, if the tithes and dues belong to those persons by the laws and usages of Canada." – Privy Council (Colonial), *Acts*, vol. vi, 459.

the plan every effort would be put forth to reconcile the new subjects to the change of dominion.[414]

The necessity of solving the problem of the province of Quebec became in the beginning of 1768 the duty of Lord Hillsborough who had presided as president of the Board of Trade when the blunder of abolishing French law and introducing English was made; but he was always unwilling to take on himself or his former colleagues any responsibility for the wrongs inflicted on the Canadians. In one of his first letters to Governor Carleton he wrote:

> It was most unfortunate for the colony of Quebec, that weak, ignorant, and interested men, were sent over to carry the proclamation into execution, who expounded it in the most absurd manner, oppressive and cruel to the last degree to the subjects, and entirely contrary to the royal intentions.[415]

Lord Hillsborough regarded the conditions in Quebec as very serious, and with that self-confidence so characteristic of him tried to correct them without waiting for the results of the investigations which had been inaugurated by his predecessor. At least the evidence seems to indicate that the next policy proposed was the result of his own musings on the conditions within the unfortunate colony. Governor Carleton was constantly communicating to the home government his views

[414] Such may have been his plan. Over the Quebec Act of 1774 there was waged a war of words in Parliament and in the public press. A different story than the above is told by a pamphlet writer of the day. He wrote: "The Opposition have very short memories. . . It [a measure] was certainly debated, if not adopted by the Cabinet, as far back as the year 1767, during the plentitude of the Earl of Chatham's power. Lord Camden was Chancellor, and gave his sanction to regulations more allied to despotism than those he reprobates at present. The Duke of Grafton, the Earl of Shelburne, General Conway, and several others of 'that illustrious Band' on whose virtues the Americans expatiate with rapture, approved this Popish, arbitrary, tyrannical system of government." – *The Rights of Great Britain asserted*, 44.

[415] Dated March 6, 1768, Shortt and Doughty, *Constitutional Documents*, 208.

of what should be done and urging that some move be made.[416] The occasion for definite action, however, was the receipt of a petition from the merchants of Quebec praying that a legislative assembly be summoned and that some Roman Catholic subjects be admitted to the council. This petition was referred on September 28, 1768, to the Lords of Trade who made a report in the following July.[417] The report, which was kept most secret, recommended the immediate calling of an assembly, the election to which should be so arranged that there should be at least fourteen Protestants to a possible minority of thirteen Catholics. Five Catholics should also be admitted to the council. With a government competent to pass laws it was thought that the difficulties over the question of law would soon be removed. In regard to the law courts and procedure the Board of Trade considered the additional instructions prepared under the Rockingham régime as most suitable to correct the other evils of the government. In ecclesiastical matters they took their stand upon the plan that had been developed under the Grenville-Bedford ministry and endorsed by the Rockinghams, only modifying the method of its introduction.

No results followed this report of the Board of Trade, because the influence of Lord Shelburne's investigation shortly afterwards became potent and started a movement which ended finally in the passage of the Quebec Act. Maurice Morgann, upon arriving in Quebec, began a painstaking study of conditions and incited others to do the same; but it was not until 1769 that he was prepared to lay before the ministry the result of his and his collaborators' efforts. He had been

[416] See in particular letters dated December 24, 1767, and April 12, 1768, Shortt and Doughty, *Constitutional Documents*, 201, 208.

[417] — *Idem*, 263.

sent, first of all, to assist Sir Guy Carleton, the lieutenant-governor, who, an eminent historian has said, "will always retain the first rank in Canadian annals. He was one of those rare men, who during a long and varied public life, lived so utterly irreproachably, that his memory remains untainted by the charge of a semblance of a vice."[418] Two other men also were expected to coöperate with Morgann; these were the chief justice, William Hey, and the attorney-general, Francis Maseres. Both were eminent in the legal profession and well fitted for their duties. All three had received their appointments from the Marquis of Rockingham, but their characters had justified their continuance in office by successive ministers.

Morgann was not long in discovering that the ideas of the lieutenant-governor and the attorney-general were diametrically opposed to each other. Carleton's sympathies went out to the large French-Canadian population he governed; and he was expecting to win their loyalty to England by permitting them to enjoy the forms of government, law, and church to which they had long been accustomed. In particular he looked to the *seigneurs*, though few in number,[419] to lead the populace to an acceptance of the new rule; and to that end he chose them for his advisers in his difficult task. On the other hand the Huguenot Maseres was biassed by a fervid Protestantism and by his admiration for British governmental machinery. He found his natural associates among the few hundred English-speaking subjects who were demanding English law and an elective assembly and who were crying out

[418] Kingsford, *History of Canada*, vol. v, 191.

[419] Maseres reckoned their number, including men, women, and children, at one hundred. See Maseres, *Occasional Essays*, 161. On the feudal system of Canada consult, Munro, *The Seigniorial System of Canada.*

against the dangers of Roman Catholicism.[420] The two men in their interpretations of the existing evils and their conceptions of the best remedy typify the two contemporary parties in Canada, the division of politicians in Great Britain, and the differences in the statement of facts that are to be found in the histories of the province of Quebec from that day to this.

The most complex question, which Morgann had been sent to investigate, was that of the law. Hitherto the learned jurists of Great Britain had spun their finely woven speculations upon this subject with very little knowledge of French law and with a total ignorance of Canadian practice. An agent of Shelburne could do but one thing; he must discover what were the existing conditions in order that a final determination might be reached. In this Morgann satisfied his patron. He found, however, that the orders of the administration had been anticipated and that Governor Carleton had already instructed François-Joseph Cugnet, one of the most eminent French lawyers in Canada, to codify, with the assistance of others, the law and practice as they had existed under the old régime. Five small volumes were the result. These were sent to London in manuscript and were published there in 1772 and 1773 for the use of the administration.[421]

[420] Maseres did not believe that the province was ripe for an assembly, but his general attitude was decidedly English. In a letter to Walker, May 27, 1768, he wrote: "Even now I could wish that Parliament would impose some taxes here, rather than erect a House of Assembly, which I understand is Lord Hillsborough's design, but which all fear here will increase the confusion." – British Museum, *Additional Manuscripts*, 35915, f. 280. See also Maseres to Dartmouth, January 4, 1774, Shortt and Doughty, *Constitutional Documents*, 340. For Maseres's disagreement from the opinion of Carleton and Morgann see *idem*, 258 ff.

[421] See the titles in the bibliography under "Abstract." The volumes were afterwards published in Quebec in 1775. See also Privy Council (Colonial), *Acts*, vol. v, 98. On Carleton's activity in this matter see his letter to the

Elaborate reports on the important phases of civil and ecclesiastical affairs were also prepared. In these Maseres, on account of his difference of opinion, was unable to coöperate. The first draft of the main report on the government and law was written by Morgann, revised by Hey, and rewritten from both by Carleton.[422] A report on the revenue and one on ecclesiastical affairs were prepared at the same time. All these papers were carried to England by Morgann, who travelled in company with Governor Carleton. The ideas of these two men were to be of great influence on the final decision concerning Quebec.

Lord Hillsborough upon receiving these reports wrote to Carleton that they would pave the way for a speedy decision, but the reverse was the case. The very complete information with the conflicting recommendations and petitions made the problem of the province of Quebec only more perplexing and imposed on the ministers such labor that they were slow to undertake the burden of it.[423] All the papers were referred to the attorney-general, solicitor-general, and the advocate-general, all of whom in the course of time added lengthy and learned documents to the large mass of written pages on the subject already in existence.[424]

secretary of state, April 12, 1768, Shortt and Doughty, *Constitutional Documents*, 208.

[422] The history of this report is contained in a letter from Morgann to Shelburne, August 30, 1769, in *Lansdowne Manuscripts*, vol. lxvi, f. 81; but neither this nor the other two reports on the revenue and ecclesiastical affairs had been found, when Shortt and Doughty printed their *Constitutional Documents* [p. 258, *footnote* 1]. Maseres's report written at the same time and his criticism of the governor's report are printed in *idem*, 228, 258.

[423] Since I am not writing primarily a history of Canada, I do not feel myself obliged to analyse all the papers preceding the Quebec Act. Most of these are printed in Shortt and Doughty, *Constitutional Documents*. My purpose here is to show the changing mental attitude of the ministry.

[424] All are printed in Shortt and Doughty, *Constitutional Documents*. Attorney-general Thurlow's report is particularly good. Advocate-general

William Knox, one of the under-secretaries of the Colonial Department, whose information on the development of the Canadian policy was very exact, wrote as follows concerning the result of all this consulting and reporting:

> The reports of these learned gentlemen contained a great variety of propositions; but, like the opinions of most learned gentlemen, they were very different from each other. And thus it fell out, that, after all the pains which had been taken to procure the best and ablest advice, the ministers were in a great measure left to act upon their own judgement.[425]

Lord Dartmouth had now replaced Hillsborough, and it fell to his lot to press the work on the reform of the Canadian conditions. At the same time the desire to promote the imperial interests became strong in the administration; the Bedfordites and their allies, the followers of Grenville, enjoyed less influence, while Lord North, Lord Mansfield, Lord Apsley, the new lord chancellor, and Lord Dartmouth played for a little time the leading parts.[426]

The actual leader of this imperialistic group of the ministry was the much maligned and cordially hated Lord Mansfield, one of the greatest jurists who ever presided over a British court. He was essentially Tory in his instincts, that is to say, he favored increasing the royal prerogative in order to promote efficiency of government. He was also of Tory, even of Jacobite, de-

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Marriott's *Plan for a Code of Laws* (published in 1774) is a weighty argument.

[425] *The Justice and Policy of the Late Act of Parliament*, etc., 19. After reading many contemporary accounts and after examining many documents, it is my opinion that Knox has come nearer to telling the truth about the passage of the Quebec Act than anyone else.

[426] Maseres to Dartmouth, August 26, 1773 in Shortt and Doughty, *Constitutional Documents*, 374, *footnote* 3. After writing of Lord North's interest, he says: "Lord Mansfield has also lately declared an intention of reading over all the papers relating to the province of Quebec, and using his endeavours towards procuring a settlement of it."

scent, but had received baptism and a complete regeneration from the "evil associations" of his youth at the hands of that prototype of Old Whiggism, the Duke of Newcastle, who had gladly availed himself of Mansfield's abilities in debate to counteract the eloquence of Pitt. So adroit was Mansfield in covering his political tracks, that it is impossible to discern the exact moment when he definitely left the ranks of the Old Whigs to throw in his lot with the court faction. Probably long after he had done so, he still was summoned as an adviser to attend the councils of his former associates. By the time of the formation of the North ministry, there had ceased to be any doubt of his affiliations; he was now called to the cabinet, and it was commonly reported that he occupied a front seat in the secret and select council of the king.[427]

In matters of government in so far as the prerogative of the executive was concerned Lord Mansfield may be regarded as a conservative of the most extreme type; in all other matters he was a liberal. Two of his opinions must be mentioned in this connection because they exercised a decisive influence on the affairs of Quebec. Throughout his life he exhibited the greatest liberality in matters of religion. In a speech in the House of Lords, he said:

> Conscience is not controllable by human laws, nor amenable to

[427] The Duke of Grafton narrates an incident which proves the common report of Mansfield's influence in the councils of the administration. After recording the fact that Lord Dartmouth was the only minister with whom he had any intercourse, he writes: "I recollect, that once calling on him in St. James's Square, where a meditated joint address was to be settled that morning in the Cabinet, he (Dartmouth) promised that he would offer my amendments to them, with his own wishes that they might be admitted.

"His Lordship had scarce finished his words, when Lord Mansfield's chariot driving up to the door, Lord Dartmouth said, most seriously to me: 'There, Duke of Grafton, is the man; who will prevent your wished for alterations from taking place.' The event accorded with D's apprehension."—Grafton, *Autobiography*, 267.

> human tribunals. . . What bloodshed and confusion have been occasioned from the reign of Henry IV, when the first penal statutes were enacted, down to the revolution in this kingdom, by laws made to force conscience! There is certainly nothing more unreasonable, more inconsistent with the rights of human nature, more contrary to the spirit and precepts of the Christian religion, more iniquitous and unjust, more impolitic than persecution. It is against natural religion, revealed religion, and sound policy.[428]

At the time of the Gordon riots in 1780, when his own house was sacked, he had another opportunity to express his opinion on the subject:

> My desire to disturb no man for conscience sake is pretty well known, and I hope will be had in remembrance. I have no leaning to Roman Catholics. Many of those who are supposed to have directed the late mobs are not ignorant of my general tolerating principles when the toleration of sectaries does not portend danger to the state. I have shown equal favor to dissenters from the established Church of all denominations. . . I was, and am, of the same opinion with respect to the Roman Catholics; and, although I had no hand, directly, or indirectly, in the law which has furnished a pretext for the late dangerous insurrections, I shall ever be of opinion that they, in common with the rest of his Majesty's subjects, should be allowed every possible indulgence consistent with the safety of the empire.[429]

Noble sentiments these, to be held by a man who was to influence the solution of the French-Canadian problem. He could give no support to the effort at conversion proposed by the Grenville-Bedford plan and accepted by his former friends, the Old Whigs, nor would he rest satisfied with the partial toleration considered by Lord Shelburne.[430]

Another of the fundamental tenets of Lord Mansfield's belief was that law and law practices of each

[428] Campbell, *Lives of the Chief Justices*, vol. iii, 417, 418.

[429] — *Idem*, 435.

[430] On Lord Mansfield's influence on the form of the Quebec Act, see Shortt and Doughty, *Constitutional Documents*, 387, *footnote* 1.

country had by a long process of evolution become fitted to the genius and character of its people. For a sovereign power to alter arbitrarily the customs of a subject country was a dangerous and criminal procedure. When he first learned in December, 1764, of what had been accomplished in the province of Quebec by the proclamation of 1763 and by Governor Murray's ordinance, he wrote immediately to George Grenville:

> Is it possible that we have abolished their laws, and customs and forms of judicature? – a thing never to be attempted or wished. The history of the world don't furnish an instance of so rash and unjust an act by any conqueror whatsoever.

His concern was very genuine and he added, "For God's sake learn the truth of the case, and think of a speedy remedy."[431] This belief of his extended even to that typical institution of Anglo-Saxonism, trial by jury. Fitted, as it was, to satisfy the social mind of the people who developed it, yet the institution was so distinctly a product of its environment, so closely bound up with the customs and mental attitude of a particular people, that it could not be transplanted, without inflicting an injury, among a people of alien character and customs. Late in life Lord Mansfield was asked his opinion on the advisability of introducing into Scotland trial by jury in certain specified civil actions. He answered: "Great alterations in the course of the administration of justice ought to be sparingly made, and by degrees, and rather by the court than by the legislature. The partial introduction of trials by jury seems to me big with infinite mischief, and will produce much litigation."[432]

The imperialistic party in the ministry turned for

[431] Grenville, *Papers*, vol. ii, 476.

[432] Campbell, *Lives of the Chief Justices*, vol. iii, 462. The reasons for this opinion are also quoted on the same page.

advice to the men who were most familiar with the conditions existing in Quebec. Governor Carleton, Chief Justice Hey, and Mr. Morgann were all in London; and the influence of these three men was exerted in favor of extending every possible advantage to the French population. Maseres was also consulted, but his influence upon the final opinion of the ministry was slight. General Gage's advice concerning the relation of the Old Northwest to Canada proved very potent. Besides these the law officers, Thurlow, Wedderburn, and Marriott were called into conference at every stage in the development of the bill.[433] The final form of the bill that was introduced can not, therefore, be ascribed to any one individual; it was the product of many minds.

The date when the work on the Quebec Bill was earnestly begun can be determined. On August 4, 1773, the lord chancellor sent to Lord Dartmouth the accumulated papers which "will, he believes, enable His Lordship to form a plan of government for Canada."[434] From that time until well into January the members of the ministry kept steadily at work. The conflicts in the advice offered in the papers drawn up by so many learned men made the task a difficult and laborious one; and finally those in charge of the bill found a recourse in precedent.[435] The conditions in Ireland and Minorca were carefully studied. In the former Roman Catholics were oppressed, in the latter granted full

[433] For the history of the Quebec Bill consult Shortt and Doughty, *Constitutional Documents*, particularly the notes on pages 374-390 and the numerous letters in the *Dartmouth Manuscripts*, calendared in Historical Manuscripts Commission, *Report*, vol. xiv, Appendix x, vol. 2. Lord Hillsborough was also consulted.

[434] Calendar of Dartmouth manuscripts in *idem*, p. 562. The date may be August 7 as the figure is doubtful.

[435] So says William Knox, *Justice and Policy of the late Act of Parliament*, 19.

toleration. The Irish had not been reduced to docility after generations of oppression, whereas the inhabitants of Minorca had become by the employment of an opposite policy most loyal citizens.

It was while the ministry was in a tolerant mood towards the colonies and before the news of the Boston Tea-party and of the acts of the other colonies in regard to the shipment of tea reached England that the ministry came to an agreement on the broad principles which should guide them in drafting the Quebec bill. Though the details were still to be worked out and the phraseology of the bill was to offer many difficulties, the toleration of religion, the establishment of French law in part, the endowment of the council with legislative power, and the extension of the boundaries so as to include the Illinois country had been determined upon by the North ministry before the occasion arose for the consideration of the punishment of recalcitrant Massachusetts. The Quebec Bill was in its essence, therefore, the product of the period of imperialistic thought and of kindly feeling toward the colonies.[436]

[436] That even its framers came to think that it would exercise a certain amount of restraint on the colonies does not contradict the above statement, provided the principles of the bill were fixed before the end of January, 1774. In a letter from Dartmouth, December 1, 1773, there was a distinct promise of religious toleration and the extension of the boundaries. See Shortt and Doughty, *Constitutional Documents*, 339. William Hey discussed the question of the law proposed in a draft of the Quebec Bill on January 25, 1774. See *Dartmouth Manuscripts*. From his discussion it is evident that there was an earlier draft similar in character to what is named "second draft" (dated March 2) in Shortt and Doughty, *Constitutional Documents*, 377. At that time, therefore, the bill contained a clause creating a legislative council and others authorizing French law in civil cases and partially in criminal cases. The English law was to be followed only in exceptional cases. (The draft called by Shortt and Doughty the first draft [*idem*, 376] probably dates from 1766, when such a measure was in contemplation.) Lord Shelburne also wrote of a draft of the bill as in existence on February 27. See Pitt, *Correspondence*, vol. iv, 1329. There is good negative evidence. After the news of the Boston Tea Party was received till after March 2, when the second draft was

Before the bill was ready to be introduced into Parliament a new period in American history had begun. The defiance of the colonies in refusing the tea threw the political circles of Great Britain into the wildest excitement, and retaliation was demanded from all sides. The Rockingham Whigs were divided in opinion, some being in favor of supporting the harshest acts of reprisal.[437] Chatham and Shelburne seem to have kept their heads, but not so their followers. Colonel Barré asserted in Parliament: "If the Bostonians were so guilty as they had been represented, we ought to make war on them; there could be no middle measures."[438] General Conway said: "The Parliament ought to assert its rights; and he saw the necessity of subordination; our salvation depended on it."[439]

In the crisis which had arisen it was natural that the Bedfordites and Grenvillites should take the lead in the administration. They had been always in favor of the severest measures for America. The excitement was so great that the benevolent and vacillating North and the mild Dartmouth felt constrained to fall into line, and they were present in all the cabinet meetings at which the bills against Massachusetts were framed. Still keen-sighted observers noticed that there was a

ready, the administration gave its whole attention to the crisis in Massachusetts. Meetings of the cabinet were held on January 29, February 4, 5, 16, 19, 28, and March 1, minutes of which are preserved in the *Dartmouth Manuscripts*. At none of these meetings were the problems of the province of Quebec discussed, nor did the members of the cabinet have time to evolve the principles they were to embody in the Quebec Bill. That the bill was ready to introduce into Parliament at this session must have been due to the fact that the general principles had been agreed upon before the last of January.

[437] Manchester to Rockingham, April 20, 1774; Rockingham to Manchester, same date, in Albemarle, *Rockingham Memoirs*, vol. ii, 242-245. See also Walpole, *Last Journals*, vol. i, 314.

[438] — *Idem*, 313. For Chatham's and Shelburne's opinion see, Pitt, *Correspondence*, vol. iv, 322 ff; Fitzmaurice, *Life of Shelburne, passim.*

[439] Walpole, *Last Journals*, vol. i, 313.

lack of unity in the councils of the administration. Lord Shelburne remarked this and recorded:

> The remarkable features of the day were the notorious division among the ministry, which was very near avowed, some calling what passed in Boston commotion, others open rebellion, a more than disregard to Lord Dartmouth, and somewhat of the same sort towards Lord North.[440]

It was during the consideration of these punitive measures that the administration put the finishing touches on the Quebec Bill and introduced it into Parliament on May 2, so that it is not strange that contemporaries identified it with the coercive measures of administration and that this view has been shared by later historians.[441]

The main purpose of the Quebec Bill was the alleviation of the wrongs of the alien population of the North; but it was at the same time the vehicle for the promulgation of a new western policy. The extension of the boundaries of the province of Quebec so as to include the Old Northwest was the last effort of the mother country to throw the protection of the imperial power over at least a part of the Mississippi Valley in order to prevent the disorders of the region.

To the ministers these disorders had always appeared very real, for the most unfavorable descriptions of frontier society were being constantly sent to the government by both colonial and English writers.[442] From the beginning of their administration of Indian affairs

[440] Shelburne to Chatham, April 4, 1774; Pitt, *Correspondence*, vol. iv, 339; also in Fitzmaurice, *Life of Shelburne*, vol. i, 478.

[441] Mr. Coffin in his learned study, *The Province of Quebec and the early American Revolution*, has completely refuted this interpretation of it.

[442] For a typical example see Charles Smith to Dartmouth, March, 1773, in *Dartmouth Manuscripts*. Smith made periodic business trips to America. He called the frontier people "banditti" and "murderers." He laid great stress on the fact that the Irish, who had been members of the various rebellious organizations of their own country, were taking refuge in the hinterland.

Sir William Johnson and John Stuart had reported to their superiors that the fur traders were sprung from the lowest classes, were men of unscrupulous character, and were accustomed to practice the lowest and meanest tricks on the Indians. When the question of western settlement became a vital issue, the descriptions of the pioneers were drawn in the most lurid hues, which seemed to be justified by the accounts of actual occurrences, such as the murders committed in western Pennsylvania by the "Paxton Boys" and the outrages reported from the back countries of Virginia and North Carolina. It is well known that many families of sober and earnest character were seeking homes in the West, but the news of their quiet behavior was not reported in London.

The picture of the colonial frontier as thus drawn could be duplicated in the literature of any period of western settlement while the frontier line was being pushed across the Mississippi Valley and over the Rockies to the Pacific coast. The vanguard in the winning of the West has been composed of men of hardy nature with few social graces; and observers coming from better surroundings have frequently identified the external ugliness with the inward reality, and being impressed only with the presence of the gambler, the escaped convict, and "gunmen" have been prone to label the community a company of "banditti." If this idea of the character of the advancing frontier population has been generally accepted and contemporaries have been always ready to denounce the faults of these forerunners of organized society, it is not strange that those ministers who were among the first to receive information concerning the phenomena were frightened at the conditions and hesitated to promote the increase of a population so completely given over to lawlessness.

Even the men of better education and circumstances seemed to the ministers to forget their duty so soon as they passed outside of the bounds of civilization. The news of William Murray's illegal purchase of land in the Illinois country appeared to be only too typical an example of western happenings. The Indian boundary line had been established by the empire to prevent the westward march of settlements, but here was a land company preparing to plant a colony in the midst of the Indian hunting-grounds. This news, which reached England during the last days of November, 1773, was in the eyes of the ministry portentous.[443] It was the last sign needed to prove the complete failure of the policy of 1768. The reign of law was not being maintained any more successfully in the far West than in the upper Ohio Valley. Little could be accomplished under the existing conditions, but orders were immediately sent to General Haldimand to do all in his power to prevent the carrying out of the designs of the speculators.

With Murray's act still in mind it was not surprising that the ministers should decide that the solution of the perplexing problem of the Illinois country could best be solved by placing it directly under the government of Quebec, as had been suggested to the Board of Trade by Lord Egremont in 1763. This proposal unquestionably received the support of General Gage, who had desired for some time to see a simple form of civil government provided for the French village, but who must have realized that his earlier plan was inadvisable, because it failed to supply an oversight of the local administration. An inspired defender of the Que-

[443] Haldimand to Gage, October 5; Gage to Haldimand, November 28, 1773, British Museum, *Additional Manuscripts*, 21,665, ff. 176, 180; Haldimand to Dartmouth, October 6; Dartmouth to Haldimand, December 1, 1773, *idem*, 21,695, ff. 38, 46.

bec Act wrote, after describing the ills suffered by the French in these distant villages:

> In this situation and under these circumstances what better can be done than to annex this country to Quebec, and subject the whole to the jurisdiction of that colony, to which the only lawful settlers in it were originally subject, and whose language, manners, inclination and religion, are the same – a colony, that under the provision of this bill, will have authority competent to every object that requires regulation and reform, both in respect to Indian Affairs, and the care and concern of the subordinate districts.[444]

The government intended under the Quebec Act for these outlying districts was later provided in the instructions to Governor Carleton, dated January 3, 1775. A lieutenant-governor or superintendent was to be appointed for each of the communities in the Illinois, Vincennes, and Detroit.[445] For the administration of the law the following provisions were made:

> That besides the foregoing courts of criminal and civil jurisdiction for the province at large, there be also an inferior court of criminal and civil jurisdiction in each of the districts of the Illinois, St. Vincennes, Detroit, Missilimackinac, and Gaspée, by the names of the court of king's bench for such district to be held at such times as shall be thought most convenient, with authority to hear and determine in all matters of criminal nature according to the laws of England and the laws of the province hereafter to be made and passed; and in all civil matters according to the rules prescribed by the aforesaid act of Parliament.

Over each of the courts there was to preside a judge who should be a natural born subject and a Canadian assistant whose powers were limited to the giving of advice. From these district courts an appeal might be

[444] *An Appeal to the Public, stating and considering the Objections to the Quebec Bill.* (London, 1774), p. 50.

[445] These were all appointed. The outbreak of war prevented the officer appointed for Vincennes from remaining long at his post and the one for the Illinois country from going to his.

taken to the governor and council, and thence in cases of greater moment to the king in council.[446]

The ministry realized that the extension of French law to the Old Northwest would be a deterrent to settlement by the English speaking colonists. Such attempts as that of William Murray and his associates, it was hoped, would be prevented by the existence of an alien law. Lord Dartmouth used this very argument in defending the bill.[447] Solicitor-general Wedderburn in speaking on the bill said:

> I think one great advantage of the extension of the territory is this, that they [the English colonists] will have little temptation to stretch themselves northward. I would not say, "cross the Ohio, you will find the Utopia of some great and mighty empire." I would say, "this is the border beyond which for the advantage of the whole empire, you shall not extend yourselves." It is a regular government; and that government will have authority to make enquiry into the views of native adventurers.[448]

A third weighty reason for the extension of the boundaries was the regulation of the fur trade. The failure of the colonies to agree upon some form of general administration of the Indian trade had resulted in the development of intolerable conditions in the region west of the mountains. Both Lord Hillsborough and Lord Dartmouth, after studying the problem, had reached the conclusion that the only method of correcting the existing evils was by an act of Parliament. The Quebec Bill offered the means. The Old Northwest produced the finest furs in abundance. By placing this territory under such a government as was provided for

[446] Shortt and Doughty, *Constitutional Documents*, 423, 428, 432.

[447] Dartmouth to Hillsborough, May 1, 1774, in *idem*, 390.

[448] Cavendish, *Debates in the House of Commons in the year, 1774, etc.*, 58. For a similar thought, see Knox, *The Justice and Policy of the Late Act of Parliament*, 43.

Quebec the necessary regulations could be made. William Knox in his defense of the act stated directly that such was the purpose of those who were responsible for the measure. He pointed out that the original purpose of the framers of the proclamation of 1763 had been to govern the West and to control the fur trade by an imperial plan, such as was actually formulated by the Grenville-Bedford ministry; that the outcry against the Stamp Act had prevented the introduction of the plan; and "That was the reason that so large a part of the ceded territories in America was left without government, and that the new province of Quebec contained so small a portion of antient Canada." The region between the Ohio and Mississippi Rivers was now placed in the Canadian province "with the avowed purpose of excluding all further settlement therein, and for the establishment of uniform regulations for the Indian trade."[449]

The question of preserving the fur trade was becoming more and more a vital issue. Every extension of settlement meant the loss of fur-producing country. The threat of settlements in the Illinois country might well disturb the fur traders, who had always been ready with arguments against every proposed colony. The Canadian furs were now being marketed by British firms whose influence was thrown on the side of more extensive boundaries for the province of Quebec. On December 31, 1773, their correspondents in Canada asserted that "If the Province is not restored to its antient limits and the parts which have been dismembered from it reunited to that government to which nature points they should belong, and all be put under some salutary and well judged regulations; the morals of the In-

[449] *Justice and Policy of the late Act of Parliament*, 39-43.

dians will be debauched, and the fur-trade as well as the winter seal fishery forever lost not only to this province but to Great Britain, as neither can be carried on to advantage but by the inhabitants of Canada."[450] The Scotch had been particularly aggressive in Canada and already were beginning to engross the trade, and in all probability the interests of the oversea brethren had, as it certainly did a few years later, an influence upon the Scotch members of Parliament, whose support was always so very necessary to the ministry.

The peltry trade was discussed in paragraph thirty-two of the instructions sent to Governor Carleton. The governor was informed that the trade should be free to all British subjects provided licenses were obtained from any of the governors "under penalties to observe such regulations, as shall be made by our legislature of Quebec for that purpose." For his guidance there was sent to Governor Carleton a copy of the Grenville-Bedford plan for the organization of the trade, which, he was instructed, should serve him "As a guide in a variety of cases, in which it may be necessary to make provision by law for that important branch of the American commerce."[451] Thus there was a return to the former plan of imperializing at least a part of the West. Trading posts were to be established, tariffs fixed, and the sale of spirituous liquors regulated by imperial officers under orders from the government of Canada.

The extension of the boundaries of Quebec was one of the points against which the opposition made the stoutest objections.[452] When Lord Camden introduced

[450] Shortt and Doughty, *Constitutional Documents*, 351. See *footnote* 3 on p. 350.

[451] — *Idem*, 428.

[452] See Cavendish, *Debates of the House of Commons in the year 1774*, pp. 4, 17, 41, and many other places.

in 1775 his bill to repeal the act, this feature was particularly marked out for criticism. In his speech he said:

> That by drawing the limits of that province [Quebec] close along the interior settlements of all the old English colonies, so as to prevent their further progress, an eternal barrier was intended to be placed, like the Chinese wall, against the further extension of civil liberty and the Protestant religion.[453]

In the same debate Lord Shelburne declared in the following strong terms his disapproval of this policy:

> The peltry, or skin trade, my lords, is a matter which I presume to affirm is of the last importance to the trade and commerce of the colonies and this country. The regulation of this business has cost his Majesty's ministers more time and trouble than any one matter I know of. The noble earl (of Hillsborough) it is true, differed from me among others of his Majesty's servants, on the regulating the trade with the Indians; but it was never so much as dreamt of, that the whole skin trade, from Hudson's Bay to the forks of the Mississippi should be at once taken from the several American colonies, and transferred to the French Canadians; or, which is substantially the same thing, that by a royal instruction the sole direction of it should be vested in the governor of Quebec. For I will be bold to contend, whatever colourable construction may be put on it, it will operate as a complete exclusion and total monopoly, so far as the Protestant British colonies can possibly be interested.[454]

The arrangements for the West in the Quebec Act are of particular interest to this study and have for that reason been discussed at length. The provisions for the province itself have already been indicated and may, therefore, be passed over lightly at this time. Following the plan of the Grenville-Bedford ministry and that of Rockingham, the government was placed in the control of a governor and a legislative council. The question of the law caused the greatest difficulty to the

[453] *Parliamentary History*, vol. xviii, 651.
[454] — *Idem*, 673.

ministers. Several methods of combining the English and French law were considered, but finally a suggestion to establish the English criminal and French civil law, which was made by William Hey, chief justice for the province, was adopted.[455] The amalgamation of these was left to the legislative council. No provision was made for the trial by jury in civil cases, a fact over which the opposition raised a great outcry, but which was completely in accord with the principles of Lord Mansfield, whose influence in the questions of law and religion for Quebec were of decisive weight.

The religious toleration granted by the Quebec Act went far beyond what had been proposed by previous administrations. It was complete. In bringing this about there can be little question about the influence of the liberal Mansfield, but he received the stanchest support from North and Wedderburn. The tithes and dues which had previously been paid by the French-Canadian Catholics were interpreted as property in accordance with the opinion delivered in January, 1768, by the law officers of the Grafton ministry, and they were restored to the church.[456] It was quite natural that the clauses granting toleration received the severest criticism from the opposition; anti-Romanism was still a popular platform in Great Britain and the colonies. A few opponents, however, such as Burke, had the grace to accept the broad sighted view advanced by the administration.

The Quebec Bill throughout its course in Parliament met with the most acrimonious criticism by the opposition, reduced now to the Old Whigs and the few faith-

[455] Shortt and Doughty, *Constitutional Documents*, 377, *footnote* 1. See Hey to Lord Chancellor, January 25, 1774, in *Dartmouth Manuscripts* in which the whole question of the law is very ably discussed.

[456] Privy Council (Colonial), *Acts*, vol. vi, 456.

ful Pittites. Though one of these groups had formed a plan for the colony not so very different in its principles from this one, yet the voice of faction, which had been somewhat subdued in the discussion of the coercive measures for Massachusetts, must find a vent. On account of the violence of the attack and of the identity of the act with the offensive measures passed at the same time, the Quebec Act has been most frequently misunderstood; and its benign purposes have been completely perverted by successive historians who have drawn their inspiration from the sources of Old Whig and American revolutionary thought. When the bill was returned with amendments to the House of Lords, the Earl of Chatham[457] gave expression to the opinion that prevailed among the opposition on both sides of the Atlantic and has found its way too frequently into the pages of history. "He said it would involve a great country in a thousand difficulties, and in the worst of despotisms, and put the whole people under arbitrary power; that it was a most cruel, oppressive, and odious measure, tearing up justice and every good principle by the roots." When he came to a discussion of that part of the bill tolerating the Roman Catholic religion, he "called the bill a child of inordinate power." "He pathetically expressed his fears that it might shake the affections and confidence of his Majesty's Protestant subjects in England and Ireland; and finally lose the hearts of all his Majesty's American subjects."[458] The bill passed the House of Lords on June 17, and five days later the king with a greater sense of justice than was

[457] It must be remembered that Whig and American historians have identified Chatham, particularly in the later years of his life, with the Old Whigs, with whom he refused to act in 1765, and whose principles he generally opposed.

[458] *Parliamentary History*, vol. xvii, 1402-1404.

exhibited by Chatham, gave his consent in these words: "The very peculiar circumstances of embarrassement in which the province of Quebec was involved, had rendered the proper adjustment and regulation of the government thereof, a matter of no small difficulty. The bill which you prepared for that purpose, and to which I have now given my assent, is founded on the clearest principles of justice and humanity; and will, I doubt not, have the best effect in quieting the minds and promoting the happiness of my Canadian subjects." [459]

In the Quebec Act, Parliament had endorsed the erection, for a time at least, of an Indian reservation in the Old Northwest. Whether, in the mind of the ministry, the necessary sequel of this new western policy was the abandonment of the Indian boundary line south of the Ohio and the opening to settlement of the Old Southwest is a question on which contemporary evidence is provokingly meagre. Still there are indications that the prevailing opinion of the value of southern colonies would have overcome, in the end, all opposition to a limited western movement to the southward. Here along the Ohio and down the Mississippi the American settlers were seeking new homes, and it was recognized in the mother country that no imperial prohibition could dam the stream of immigration.[460]

During the very days when the ministers were considering the form of the Quebec Bill, the Privy Council directed the attorney-general and solicitor-general to prepare the grant of land to the Grand Ohio Company.[461]

[459] *Parliamentary History*, vol. xvii, 1407.

[460] William Knox asserted in his defense of the Quebec Act that the ministry had been obliged by the immigration of settlers into the Old Southwest to determine on the establishment of a colonial government there. *Justice and Policy of the Late Act of Parliament*, 42.

[461] This was on October 28, 1773.

Although the turmoil that followed the news of the refusal by the colonies to receive the tea caused a delay in the proceedings, Wharton continued to keep his finger on the ministerial pulse and, when the excitement subsided, prepared another memorial on the subject.[462] This memorial was received by the Privy Council on August 12, and was referred to a committee, composed of the most important members of the administration, which recommended that the king comply with the prayer of the petitioners.[463] Here the matter rested. The promoters of the Ohio colony soon betook themselves to Philadelphia and preferred their petitions in the lobbies of the Continental Congress. The destinies of the West were no longer to be determined by the ministers who sat at Westminster.

Historical events are so complex in their nature that they elude all adequate explanation. Still the speculative mind finds delight in the search for fundamental motives of human action and may demand a more precise definition of the Quebec Act in terms of political philosophy. A satisfying interpretation of it is suggested by recalling to mind the dilemma which confronted the men who were obliged to make the choice between Canada and Guadaloupe. When they settled the terms of the treaty of 1763, they defied a public

[462] This was privately printed as *The Memorial of the Honourable Thomas Walpole in behalf of himself, etc.* Only one copy of this is in existence so far as I know. This one has been attached, to supply the place of "Appendix ii" to a copy of *Facts and Observations*, published by Wharton in the spring of 1775. Only one copy of this latter pamphlet has been preserved and is now in the John Carter Brown Library of Providence, Rhode Island.

[463] The action of the Privy Council may be found in Privy Council (Colonial), *Acts*, vol. v, 210. The only statement of the recommendation of the committee is in *Facts and Observations*, 14. The members of the committee are given as, Lord President, Archbishop of Canterbury, Duke of Grafton, Duke of Queensbury, Lord North, Earl of Rochford, Earl of Suffolk, Earl of Sandwich, Earl of Marchmont, Lord Viscount Falmouth, Richard Rigby.

opinion which clung to the older colonial theory and considered the northern colonies as of little value to the empire; in their act a more modern theory of colonies and a more enlightened statesmanship triumphed. Viewing the western issue in 1774 simply as a recrudescence of the Canada-Guadaloupe dilemma, the exclusion of settlement from the Old Northwest was a reversion to the older colonial theory. Yet so many political and social forces brought about the extension of the boundaries of Quebec to the Mississippi that dogmatic statements about fundamental principles are to be avoided as dangerous.

There have now been passed in review the various attempts made by the successive British ministries to solve the problem of the West, and it is most evident that there was in their acts little consistency. With changing administrations composed of warring factions no agreement on a well-rounded policy was possible, and the constantly shifting conditions of the West found the British mind unprepared to make a rapid readjustment as the reports of events followed each other in an ever varying succession. The resulting decisions reached in the cabinet were only compromises formed in the expectation of satisfying temporary needs; whereas political and economic forces prevented the introduction of any one of the three consistent policies which were proposed.

The idea of imperial control of the West as conceived by the Grenville-Bedford ministry broke down before the storm aroused by the attempt to tax the colonists for the necessary funds. The Old Whigs won popular approval by repealing the Stamp Act, but they eliminated thereby the possibility of working out an

effective imperial policy of their own. Economy necessarily became their maxim. Lord Barrington's plan for the prohibition of western settlement was the logical consequence, and for many years it formed the platform of the majority of conservative-minded politicians. Influenced by the noble ideals of the Chatham ministry, Lord Shelburne conscientiously studied the problem of the West and presented a solution which might have won the hearts of the colonists for the mother country. There followed, however, the dramatic struggle in Parliament and cabinet between the advocates and opponents of expansion. The result was a compromise: the futile Townshend taxes and Shelburne's broad-gauged imperial plan were both approved. Changes in the cabinet thwarted the latter, but left the irritating taxes in force. Lord Hillsborough's plan of 1768, another compromise, satisfied no one and proved inadequate to withstand the westward pressure of pioneers and speculators. Lord North's bold measure, the Quebec Act, was the last effort of British politicians to organize the territory acquired by the Treaty of Paris. It failed. British muddling in the West was doomed. By 1774 the colonists of the eastern seacoast, incensed by the incompetence and shortsightedness of imperial cabinets, were already preparing to assert themselves. Thus there culminated at the same time two series of events, one eastern and one western, which had for years run parallel, so closely interwoven that any attempt to understand the one without a knowledge of the other must inevitably fail. If historians would interpret rightly the causes of the American Revolution and the birth of the new nation, they must not let their vision be circumscribed by the sequence of events in the East. Rath-

er let their eyes seek the wider horizon that will bring also within their view the occurrences beyond the mountains, where the British ministers experimented in imperialism and sought a basis for their future colonial policy in the administration of the West.

## SPECIAL BIBLIOGRAPHY

### THE PAMPHLET WARFARE, 1759-1763 [464]

Historians have frequently noted the growth of the power of public opinion during the eighteenth century and have seen in this the beginning of our modern era with its omnipotent public press which has been called into being by the popular demand for an open discussion of the questions of the day. The following bibliography is an early example of this power in politics. Here we have an issue discussed by men of varying political faith in order that the public may be informed of the policies that are advocated; and the pamphlets followed each other with sufficient rapidity (more than one a month) to serve the same purpose as our modern newspapers.

The issue turned upon the cessions in America to be demanded from France at the close of the Seven Years'

[464] This bibliography has a long history. In 1911, at the meeting of the American Historical Association, Professor W. L. Grant of Queen's University read an interesting paper entitled "Canada versus Guadaloupe, an Episode of the Seven Years War" (published in *American Historical Review*, vol. xvii, 735). Since I had worked over the problem from a different viewpoint, it was natural that we should compare notes, the result of which was the beginning of the following bibliography which it was proposed to publish in the New York *Nation*; but after having it set up in print, the editor of that periodical wisely decided that the list was not adapted to his purposes. Soon afterwards Dr. George Parker Winship of the Carter Brown Library became interested in the subject and gave his aid to the bibliography. The Carter Brown Library has made a special effort since that time to collect the items here noted and has succeeded in adding many titles to the original list. I have had also the assistance of a class of graduate students who have found the titles of many pamphlets and have established the chronology of the bibliography.

War. There were three cessions that were advocated, but individual writers generally placed their seal of approval on two, and there were a goodly number who demanded that France pay for her defeat by ceding all her American territories. The influence of traditional policies and party politics are very conspicuous in the discussion and require a word of explanation.

Those, who clung to the old colonial principles and believed that the only value of colonies consisted in furnishing products that could not be produced in the mother country, were in favor of keeping the conquered islands of the West Indies, and Guadaloupe in particular became the pet of this class of political writers. Naturally the advocates of this cession belonged to the old stand-pat politicians who had been trained in the school of Robert Walpole. Their principal writer was William Burke already a follower of the Old Whig faction led by the Duke of Newcastle.

Most violently opposed to these were the advocates for the cession of Canada. They argued that colonies were most useful as consumers of the manufactured products of the mother country, and that, therefore, every effort should be made to promote the growth of colonial population, which could best be fostered by removing the danger of French invasion from Canada and by securing sufficient territory west of the mountains for the spread of population. The most interesting pamphlet advancing these arguments is number 15 by Benjamin Franklin and Richard Jackson. Some of the supporters of this policy were found among the followers of William Pitt, but the most earnest advocates of a broad gauged western policy were the members of the court faction headed by the Earl of Bute, and it was within this faction that Franklin found his best friends. At

the time of the treaty of peace the arguments in support of the Canadian cession by the king's supporters became more emphatic and every possible advantage of the cession was advanced in the debates in Parliament. In number 51 [*Reflections on the Terms of Peace*] a ministerial writer sings a peon of praise over the western conquests and pictures the future prosperity of the country when the valley of the Mississippi River will be covered with great cities.

Writers have taken it for granted that the issue raised in this pamphlet warfare was concerned only with Canada and the West Indies, but such was by no means the case. Many of the writers saw clearly that the continuance of the French dominion in Louisiana, particularly east of the Mississippi, was an even greater danger to colonial expansion than their possession of Canada. Many of the authors of pamphlets in this list set forth this view and argued with great earnestness for the cession of all or part of Louisiana. That their arguments expressed the opinion of administration is proved by the final treaty of peace wherein the western boundary was established at the Mississippi River.

Abbreviations are used to indicate the preference of writers concerning the territory, and in what libraries copies of the pamphlets may be found:[465]

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| Can. | Favors Canada | W. I. | Favors West Indian Islands, generally |
| La. | Favors Louisiana | | Guadaloupe |

[465] In a number of cases it has not been possible for me to examine a copy of the pamphlet, but the requisite information has been obtained from either Professor Grant or Doctor Winship. Where this has not been the case, the annotation is "Not seen." All pamphlets discussing the peace but not the American cessions have been omitted, and their number is larger than that of this list. In the case of those "Not seen" there are reasons, sometimes very slight, that they should be included.

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|---|---|---|---|
| A. | Boston Athenæum | J. | John Carter Brown Library |
| C. | Library of Congress | M. | British Museum |
| D. | Canadian Archives | U. | University of Illinois |
| H. | Harvard College Library | | |

1. CONSIDERATIONS on the importance of Canada, and the bay and river of St. Lawrence; and of the American fisheries dependant on the islands of Cape Breton, St. John's, New-Foundland, and the seas adjacent, addressed to the Right Hon. William Pitt (London, printed for W. Owen, near Temple-Bar [Oct.], 1759),[466] 23 pp. Can.; H.J.
2. LETTER addressed to two great men,[467] on the prospect of peace; and on the terms necessary to be insisted upon in the negociation (London, printed for A. Millar, in the Strand [Dec.] 1759;[468] 2d ed., corrected, 1760), 56 pp.; (also Boston, 1760). Author, John Douglas.[469] Can.; A.D.H.J.U.
3. PLAN for establishing a general peace upon honourable terms to Great Britain, by Mr. Brecknock (London, printed for R. Baldwin, at the Rose in Pater-noster Row [Dec.], 1759), 50 pp. Can.; H.J.
4. REASONS for a general peace, addressed to the legislature, by a private gentleman (London, printed for G. Kearsley, at the Golden Lion in Ludgate-Street [Dec.], 1759), 21 pp. W.I., La., part of Can.; J.
5. REMARKS on the Letter address'd to two great men, in a letter to the author of that piece (London, printed for R. and J.

[466] The month of publication has been obtained from the monthly lists of publications in the *Gentleman's Magazine* and similar periodicals.

[467] Sometimes the names of the two "great men" are incorrectly given. They were William Pitt and the Duke of Newcastle.

[468] This is the pamphlet which started the warfare, yet it should be noted that no. 1 was printed two months earlier and also that a discussion of the question had been waged in the periodicals for some time. Professor Grant in his article [*American historical Review*, vol. xvii, 735] gives the date of this pamphlet as January, 1760, and Mr. Beer [*British colonial Policy, 1754-1765*, 142] contents himself with an indefinite 1760.

[469] The authors indicated are the best guesses I can make. Frequently, as in this case, there is no doubt about the identity of the writer. In a few cases the pamphlets were not printed anonymously.

Dodsley in Pall-Mall [Jan.] 1760, 64 pp.; 2d ed., 1760; 3d ed., corrected, 1760), 72 pp. Author, William Burke [?].[470] W.I.; A.C.H.J.U.

6. Answer to the Letter to two great men, containing remarks and observations on that piece, and vindicating the character of a noble lord from inactivity (London, printed for A. Henderson in Westminster Hall [Jan. or Feb.], 1760), 22 pp. All conquests; A.J.M.
7. Examination of the Remarks on the Letter address'd to two great men (London [Jan. or Feb.], 1760; 2d ed., Boston, 1760). W.I.; A.
8. Letter from a gentleman in the country to his friend in town, on his perusal of a pamphlet addressed to two great men (London, printed for R. Davis, the corner of Sackville-Street, Piccadilly [Jan. or Feb.], 1760), 20 pp. W.I.; M.J.
9. Letter to the great man, occasioned by the Letter to two great men, in which many of that writer's absurdities, inconsistencies, and contradictions are detected, and the fatal tendency of his propositions exposed. By a citizen of London, a disciple of Sidney and Locke (London, printed for W. Bristow, next the Great Toy-Shop in St. Paul's Church-yard; and to be had at all the pamphlet shops in London and Westminster [Jan. or Feb.], 1760). W.I.; J.
10. Reasons why the approaching treaty of peace should be debated in Parliament: in a letter addressed to a great man: and occasioned by the perusal of a Letter addressed to two great men. By Owen Ruffhead (London [published by Griffiths, Feb.], 1760). Not seen. M.J.
11. Reasons for not restoring Guadaloupe at a peace (London, printed for S. Williams, on Ludgate-Hill [Feb.], 1760). All conquests. Seen but uncertain where.
12. Remarks on Reasons why the approaching treaty of peace should be debated in Parliament (London [published by Cowper, Feb.], 1760). Not seen.

[470] This has been also ascribed to the pen of Charles Townshend, but I have found no evidence to prove his authorship. At the time he was a partisan of Lord Bute. I have not found any decisive proof that William Burke wrote it, except that the views expressed are in keeping with his attitude and that of his associates towards western colonies. Also he has been generally regarded as the author. See *Dictionary of national Biography*, art. "William Burke."

13. UNANSWERABLE ARGUMENTS against a peace (London [published by Burd, Feb.], 1760). Not seen.
14. THOUGHTS on the present war and future peace; where in our present measures and alliances, are candidly considered. By a country gentleman (London, printed for M. Cooper in Pater-noster Row [March], 1760), 42 pp. Can.; J.
15. INTEREST of Great Britain considered with regard to her colonies, and the acquisitions of Canada and Guadaloupe. To which is added, observation concerning the increase of mankind, peopling of countries, etc. (London, printed for T. Becket, at Tully's Head, near Surry-Street, in the Strand [April or May], 1760), 58 pp.; 2d ed. (Boston, 1760; Philadelphia, 1760; Dublin, 1760; London, 1761). Authors, Benjamin Franklin and Richard Jackson.[471] Can.; A.C.D.H.J.M.
16. GENERAL REFLECTIONS occasioned by the Letter addressed to two great men, and the Remarks on that Letter (London, printed for E. Dilly, at the Rose and Crown, in the Poultry, and W. Owen at Homer's-Head, Temple-bar [May], 1760), 23 pp. No preference; J.
17. CONSIDERATIONS on the present German War (London, printed for John Wilkie, at the Bible, in St. Paul's Church-Yard [Nov. 15[472]], 1760), 137 pp.; 2d ed. (1760), 144 pp.; 3d ed. (1760); and others. Author, Israel Mauduit. Can., W.I.; A.C.H.J.M.
18. COPY of a letter from a gentleman in Guadaloupe to his friend in London (London [privately printed], 1760), 15 pp. Can.; J.
19. LETTER on the prospect of peace in Canada, and at Louisberg, and on the terms of negotiation (1760). Seen, but no notes.
20. LETTER to the people of England on the necessity of putting an immediate end to the war; and a means of obtaining an advantageous peace (London, printed for R. Griffiths, opposite Somerset House, in the Strand, 1760), 54 pp. Can.; A.H.J.
21. PLAIN REASONER or farther considerations on the German war

[471] This is printed in Franklin, *Writings* (ed. Smyth), vol. iv, 32. The greater part was written by Jackson. See *ibid.*, i, 138.

[472] Exact date obtained from a manuscript note in copy in the Carter Brown Library. This is unquestionably the most important pamphlet in the list, but its subject is the European war, and the author treats of the American situation only incidentally. Mauduit was at the time of writing this a follower of Lord Hardwicke, and his pamphlet was an attack from the Old Whig camp upon William Pitt. The date is, therefore, significant.

(London, printed for M. Cooper, at the Globe in Pater-noster Row [Jan.], 1761), 59 pp. Can., W.I.; J.

22. Reasons in support of the war in Germany, in answer to Considerations on the present German war (London, printed for G. Woodfall, the corner of Craig's Court, Charing-Cross [Jan. 26], 1761), 68 pp. Author, Wood, from notes of William Pitt.[473] Can., W.I.; J.

23. Letter to a great m——r, on the prospect of a peace; wherein the demolition of the fortifications of Louisbourg is shewn to be absurd; the importance of Canada fully refuted; the proper barrier pointed out in North America; and the reasonableness and necessity of retaining the French Sugar Islands. Containing remarks on some preceding pamphlets that have treated of the subject, and a succinct view of the whole terms that ought to be insisted on from France at a future negociation. By an unprejudiced observer (London, printed for G. Kearsley, at the Golden Lion, in Ludgate Street [March or April], 1761), 148 pp. W.I.,La.; A.C.D.H.J.U.

24. Reasons for keeping Guadaloupe at a peace, preferable to Canada, explained in five letters, from a gentleman in Guadaloupe to his friend in London (London, printed for M. Cooper, in Pater-noster Row [May or June], 1761), 79 pp. W.I.; A.C.J.U.

25. Detection of the false reasons and facts, contained in the five letters, entitled, Reasons, etc., in which the advantages of both conquests are fairly and impartially stated and compared, by a member of Parliament (London, printed for Thomas Hope, facing the north gate of the Royal Exchange, in Thread-Needle Street [Sept. or Oct.], 1761). Can.; H.M.

26. Letter to the Right Honourable the Earl of B—— on a late important resignation and its probable consequences (London, printed for J. Cotte, at the King's Arms, in Pater-noster Row

[473] A manuscript note in a copy in the Carter Brown Library states on the authority of John Douglas, author of no. 2, and of a Doctor Taylor that this pamphlet was written by Mr. Wood, under-secretary to Pitt, from notes made by his superior on the margin of Mauduit's pamphlet [no. 17]. After a careful search I have been able to find only one other reference to this rumor. Newcastle wrote to General Yorke, February 5, 1761 [British Museum, *Additional Manuscripts*, vol. 32916] concerning it that "People will fancy it comes from a Great Hand." In his answer General Yorke wrote that he was convinced that Pitt wrote it.

[Oct.], 1761), 75 pp.; 2d ed. (London, 1761); 3d ed. (London, 1761). Author, John Stuart [?]. Can.; C.M.U.

27. Occasional thoughts on the present German War, by the author of Considerations on the same subject (London, printed for John Wilkie, at the Bible in St. Paul's Churchyard [Nov. or Dec.], 1761), 63 pp.; 2d ed. (London, 1761); 3d ed. (London, 1761), 69 pp. Author, Israel Mauduit. Can., W.I.; A.C.

28. Answer to a Letter to the Right Honourable the Earl of B——, in which the false reasoning, and absurd conclusions, in that pamphlet, are fully detected and refuted: addressed to the Right Hon. Earl T—ple (London, printed for J. Wilkie, in St. Paul's Church-yard [Dec.], 1761), 43 pp. All conquests; J.

29. Letter to the Right Honourable Author of a Letter by a citizen, with animadversions on the answer thereto, and on the behaviour of the corporation of the City of London (London, printed for J. Hinxman, in Pater-noster Row [Dec.], 1761), 87 pp. Can.; M.J.

30. Sentiments relating to the later negotiations (London, printed for R. Griffiths in the Strand [Dec.], 1761), 44 pp. Can., La.; J.

31. Brief observations on the management of the war, and the means to prevent the ruin of Great Britain, with notices of the gold mines of Peru and Mexico, and the possessions of the French in America, 1761 (London, 1761). Author, James Massie. W.I. Not seen.

32. Art of speaking and holding one's tongue (London, printed for G. G. Seyffert in Pall-Mall, 1761), 47 pp. Can., W.I.; J.

33. Importance of Canada considered in two letters to a noble lord (London, printed for R. and J. Dodsley in Pall-Mall, 1761), 38 pp. Author, Charles Lee. Can.; H.U.

34. Importance of the colonies to Great Britain, with some hints towards making improvements . . . and upon trade in general, by John Rutherford of North Carolina, Esq. (London, printed for J. Millan, near Whitehall, 1761), 46 pp. Can., La.; J.

35. Miscellaneous representations relative to our concerns in America submitted (in 1761) to the Earl of Bute, by Henry M'Culloh (London, George Harding, 1905). This was passed around in MS. Can., La.; in many libraries.

36. CONSTITUTIONAL QUERIST, containing the sentiments of an impartial Englishman on the present rupture with Spain, its political state, internal weakness, and best method of attacking her. Interpreted with reflections on the importance of Minorca, Gibraltar, Corsica, Guadaloup, Canada, Louisiana, Martinico, etc. (London, printed for W. Nicoll, at the Paper-Mill, St. Paul's Church-yard [May or June], 1762), 59 pp. Can., La.; U.

37. CONSIDERATIONS on the approaching peace (London, printed for W. Morgan, in Pater-noster Row [Sept.], 1762), 39 pp. All conquests; A.

38. EXAMINATION of the commercial principles of the late negotiation between Great Britain and France in MDCCLXI. In which the system of that negotiation with regard to our colonies and commerce is considered (London, printed for R. and J. Dodsley in Pall-Mall [Oct.], 1762), 108 pp.; 2d ed. (London, 1762). Author, William Burke [?]. W.I.; D.J.M.U.

39. LETTER to a member of the Hon. House of Commons [published by Morgan, Oct.], 1762. All conquests, especially Can.; M.

40. LETTER to the Right Hon. the Lord Mayor, aldermen, common council, and citizens of London, concerning the peace now in agitation between Great Britain and France (London, printed for J. Hinxman, in Pater-noster Row; Mr. James, at the Royal Exchange; Mr. Owen, Temple Bar; Mr. Dodsley, in Pall-Mall; Mr. Wilson, in the Strand; and the Woodfall, Charing Cross [Oct.], 1762), 22 pp. Can.; M.

41. LETTER to the Right Hon. the Lord Mayor, the worshipful aldermen and common council: the merchants, citizens, and inhabitants of the City of London. From an old servant (London, printed for W. Owen, at Homer's Head near Temple Bar; R. Baldwin, in Pater-noster Row; and C. Pugh, at Hereford [Oct.], 1762), 90 pp.; 3d ed. (London, printed for W. Nichol, at the Paper-Mill, in St. Paul's Church-yard, 1762). Author, George Heathcote. W.I.; H.J.M.

42. LETTER to the Right Honourable William Pitt, Esq.; on the present negotiations for a peace with France and Spain (London, printed for J. Coote, at the King's Arms, in Pater-noster Row [Oct.], 1762), 74 pp. Can., La.; J.

43. Reflections on the domestic policy, proper to be observed on the conclusion of a peace (London, printed for A. Millar in the Strand [Oct.], 1762), 94 pp.; 2d ed. (London, 1763). Author, Earl of Bath [?]. Can.; C.H.

44. Enquiry into the merits of the supposed preliminaries of peace, signed the 3rd inst. (London, printed for John Bird, in Ave. Mary-Lane [Nov.], 1762). Can., La.; A.D.

45. Comparative importance of our acquisitions from France in America with remarks on a pamphlet, intitled, an Examination of the commercial principles of the late negotiation in 1761 (London, printed for J. Hinxman in Pater-noster Row [Dec.], 1762), 59 pp. Can., La.; C.J.U.

46. Full, clear, and succinct discussion of the preliminary articles of peace, as published by authority, most humbly submitted to the king, the senate, and the people, by an eminent citizen (London, printed for S. Williams, on Ludgate-Hill [Dec., 1762]), 20 pp. Criticizes peace; J.

47. Letter from a member of Parliament in town to his friend in the country, upon the three great objects of present attention, peace, parties, and resignations (London [published by Burnett, Dec.], 1762). Not seen.

48. Letter to the E. of H—— on a parliamentary peace (London, [published by Henderson, Dec.], 1762). Not seen.

49. Letter to the Right Honorable the Earl of Bute on the preliminaries of peace, from neither a noble lord, a candid member of Parliament, or an impartial Britton, but an Englishman (London, printed for W. Nicoll, at the Paper-mill, in St. Paul's Church-yard [Dec.], 1762), 60 pp. Can.; J.

50. One more letter to the people of England, by their old friend ([London], printed for J. Priddon at the Feathers in Fleet Street [Dec., 1762]), 71 pp.; 2d ed. (London, printed for J. Priddon, at the Feathers in Fleet Street, 1762). Author, John Shebbeare [?]. Can., W.I., La.; H.J.M.

51. Reflections on the terms of peace (London, printed for G. Kearsley, in Ludgate Street [Dec.], 1762), 50 pp.; 2d ed. (London, 1763). Can., La.; C.H.J.

52. Freeborn Englishman's unmasked battery: containing remarks on the preliminary articles of peace. Grounded upon undeniable facts showing the fatal tendency of granting the French a fishery and restoring our most important conquest. . .

(London, printed for P. Hunt, in Ludgate-Street, 1762), 76 pp. Can.; J.

53. SENTIMENTS of an impartial member of Parliament upon the two following questions: (1) Whether Great Britain ought to be desirous of a peace in the present situation of her affairs? (2) What sort of a peace Great Britain has reason to expect? [London, 1762], 39 pp. Can., La., Florida. Quotation from, seen.

54. IMPARTIAL ENQUIRY into the right of the French king to the territory west of the great river Mississippi, in North America, not ceded by the preliminaries, including a summary account of that river, and the country adjacent; with a short detail of the advantages it possesses, it's native commodities, and how far they might be improved to the advantage of the British commerce. Comprehending a vindication of the English claim to that whole continent, from authentic records, and indisputable historical facts, and particular directions to navigators for entering the several mouths of that river (London, printed for W. Nicoll, at the Paper-mill, in St. Paul's Church-yard [1762]), 58 pp. Can., La.; A.C.H.J.U.

55. REPLY to Mr. Heathcote's letter, by an honest man (1762). Can.; M.

56. SENTIMENTS of a Frenchman on the preliminaries [London, 1762?] Can., La.; a notice of, seen.

57. THOUGHTS on trade in general, our West-Indian in particular, our continental colonies, Canada, Guadaloupe, and the preliminary articles of peace. Addressed to the community (Signed Ignotus), (London, printed for John Wilkie, at the Bible in St. Paul's Church-yard [Jan.], 1763), 86 pp. Can.: C.D.H.J.

58. ADDRESS to the people of Great Britain and Ireland on the preliminaries of peace (London [published by Whiston, Feb.], 1763), 24 pp. Can., La.; A.

59. TRUE STATE of the case, in an address to all the good people of England. From a well-wisher to his country (London, printed for J. Hinxman, in Pater-noster Row [Feb.], 1763), 62 pp. Can., La.; J.

60. REVIEW of Lord Bute's administration, by the author of the review of Mr. Pitt's. . . (London, printed for I. Pridden, in Fleet Street [April or May], 1763), 116 pp. Author, John Almon. W.I.; A.J.

61. Some hints to people in power, on the present melancholy situation of our colonies in North America (London, printed for J. Hinxman, in Pater-noster row, [Oct.], 1763), 48 pp. Can., La.; C.H.J.M.U.

62. Candid and impartial considerations on the nature of the sugar trade; the comparative importance of the British and French islands in the West-Indies; with the value and consequence of St. Lucia and Granada truly stated (London, printed for R. Baldwin in Pater-noster Row [Nov.], 1763), 228 pp. Author, John Campbell. Makes no comparison; C.H.J.M.

63. Address to Sir John Cust, Bart., speaker of the House of Commons; in which the characters of Lord Bute, Mr. Pitt, and Mr. Wilkes, appear in a new light, by the author of the letters, signed Scipio Americanus, in the Gazetteer (London, printed for the author, and sold by Mr. Gretton, in Bond-Street, and Mr. Pottinger, in Paternoster-Row, 1763), 40 pp. Can., La.; J.

64. Appeal to knowledge; or, candid discussions of the preliminaries of peace, signed at Fontainebleau, Nov. 3, 1762, and laid before both houses of Parliament. . . . By a member of Parliament (London, printed for J. Wilkie, in St. Paul's Church-yard, 1763), 84 pp. Can., La.; J.

65. Letter from a member of the opposition to Lord B——. (London, printed for G. Burnet, at Bishop Burnet's Head in the Strand, 1763). All conquests; J.M.

# GENERAL BIBLIOGRAPHY

The arrangement is alphabetical, since that has been found to be the most satisfactory in works of this character. Primarily this is a list of the books, pamphlets, and manuscript collections which have been used in the foregoing study; but no attempt has been made to include all the titles of the secondary works that have been consulted; these can be easily found in well known bibliographies. Rarer publications and all collections of source material that have been used are listed even when no reference has been made to them in the footnotes. Anonymous publications are entered as such unless the authors are well known or the authorship has been established by the preceding narrative.


ABSTRACT of the criminal laws that were in force in the province of Quebec, in the time of the French government drawn up by the same gentlemen (London, 1773).

This and other pamphlets were drawn up by a select committee of Canadians, of whom François-Joseph Cugnet was the principal, at the desire of Governor Carleton in accordance with the command of Lord Shelburne. Maurice Morgann carried the manuscripts to London where they were published. The texts are French. See next title, *Sequel of the abstract*, and Cugnet.

ABSTRACT of the loix de police, or, Public regulations for the establishment of peace and good order that were in force, drawn up by a select committee of gentlemen (London, 1772).

ACCOUNT of conferences held, and treaties made, between Major General Sir William Johnson, Bart., and the chief sachems and warriours of the Indian nations in North America, at their meetings on different occasions at Fort Johnson in the county of Albany, in the colony of New York, 1755 and 1756 (London, 1756).

ACCOUNT of the proceedings of the British, and other Protestant in-

habitants, of the province of Quebeck, in North America, in order to obtain an house of assembly in that province (London, 1776).

First part of what is generally called "Quebec papers," by Frances Maseres. This was followed in 1776 by a second part entitled, *Additional papers.* Gagnon, *Essai de bibliographie canadienne*, 5.

ACCOUNT of the proceedings of the Illinois and Ouabache Land Companies, in pursuance of their purchases made of the independent natives, July 5th, 1773, and 18th October, 1775 (Philadelphia, 1796).

There was another pamphlet with practically the same title and contents printed at Philadelphia in 1803. See also *American State Papers, Public Lands*, and Alvord, *Illinois-Ouabache Land Company Manuscripts.*

ADAIR, JAMES. History of the American Indians, particularly those nations adjoining to the Mississippi, East and West Florida, Georgia, North and South Carolina and Virginia (London, 1775).

Adair was a trader in the Old Southwest for many years and his observations on the Indians are of great value in spite of his attempt to prove their identity with the Jews.

ADAMS, HERBERT B. Maryland's influence upon land cessions to the United States: with minor papers on George Washington's interest in western lands, the Potomac company, and a national university: in Johns Hopkins University, *Studies in historical and political Science* (Baltimore, 1885), vol. iii, 7-95.

ADVANTAGES of a settlement upon the Ohio in North America ([London], 1763 [1773]).

This refers to the proposed colony of Georgiana, or at least to a colony to be established west of Vandalia. The date of publication was 1773 not 1763 as printed. This is easily proved by the frequent references to events that occurred as late as 1772.

AFFAIRES ÉTRANGÈRES, correspondence politique, États Unis.

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ALBEMARLE, GEORGE THOMAS [KEPPEL], sixth Earl of. Memoirs of the Marquis of Rockingham and his contemporaries with original letters and documents now first published (London, 1852), 2 vols.

One of the principal sources for the history of the faction of the Old Whigs. The narrative is not of much value but many important letters are printed.

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Source of information on the Pittite faction.

—— Biographical, literary, and political anecdotes, of several of the most eminent persons of the present age, with an appendix consisting of original, explanatory and scarce papers, never before printed (London, 1797), 3 vols.

—— Collection of interesting, authentic papers, relative to the dispute between Great Britain and America, shewing the causes and progress of that misunderstanding, from 1764 to 1775 (London, 1777).

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[Bartram, John]. Observations on the inhabitants, climate, soil, rivers, productions, animals and other matters worthy of notice, made in his travels from Pensilvania to Onondago, Oswego, and the Lake Ontario, in Canada (London, 1751).

—— Travels through North and South Carolina, Georgia, East and West Florida, the Cherokee country, the extensive territories of the Muscogulges, or Creek Confederacy, and the country of the Chactaws, containing an account of the soil and natural productions of these regions, together with observations on the manners of the Indians (Philadelphia, 1792).

Becker, Carl – *see* Walpole, Horace.

Bedford, John [Russell], fourth Duke of. Correspondence of John, fourth duke of Bedford: selected from the originals at Woburn Abbey, with an introduction by Lord John Russell (London, 1842-1846), 3 vols.

The principal source of information for the Bedfordites, otherwise known as the Bloomsbury Gang.

—— Private journal of John, fourth Duke of Bedford, beginning the nineteenth of October, 1766, and ending the twenty-eighth of December, 1770: being within eighteen days of his death, from the original manuscripts in the duke's handwriting: in H. Cavendish, *Debates of the House of Commons during the thirteenth Parliament*, appendix iii, 591-626.

Beer, George L. British colonial policy, 1754-1765 (New York, 1907).

Bentham, Jeremy. Memoirs, including autobiographical conversations and correspondence: in Bentham's *Works*, published under the superintendence of John Bowring (Edinburgh, 1843), vol. x.

Contains some excellent accounts of Lord Shelburne.

Bernard, Sir Francis. Letters to the ministry from Governor Bernard, General Gage, and Commodore Hood; and also memo-

rials to the Lords of the Treasury, from the Commissioners of the Customs, with sundry letters and papers annexed to the said memorials (Boston, 1769).

Bernard, Sir Francis. Letters to the Right Honourable the Earl of Hillsborough from Governor Bernard, General Gage and the honourable his majesty's council for the province of Massachusetts Bay, with an appendix containing divers proceedings referred to in the said letters (Boston, 1769).

—— Select letters on the trade and government of America; and the principles of law and polity, applied to the American colonies, written at Boston in the years 1763-1768 (London, 1774).

Bisset, Andrew. Memoirs and papers of Sir Andrew Mitchell, K.B., envoy extraordinary and minister plenipotentiary from the court of Great Britain to the court of Prussia, from 1756 to 1771 (London, 1850), 2 vols.

Bolingbroke [Henry Saint-John], first Viscount, 1678-1751. Works, with a life containing additional information relative to his personal and public character, selected from the best authorities (Philadelphia, 1841), 4 vols.

Bossu, N. Nouveaux voyages aux Indes Occidentales; contenant une relation des differens peuples qui habitent les environs du grand fleuve St-Louis, appellé vulgairement le Mississippi (Amsterdam, 1769), 2 vols. in 1.

Bouquet, General Henry. Bouquet papers: in British Museum, Additional manuscripts, 21631-21660. London.

"These volumes contain letter-books, disbursement accounts, warrants, general and regimental orders, etc., of Brig.-gen. Bouquet. . . His correspondence includes letters to and from Amherst, Gage, Stanwix, Moncton, St. Clair, Loudoun, Forbes, Washington, and letters from large numbers of the officers . . . of lesser rank, and from governors of some of the colonies, agents, paymasters and civilians in Philadelphia, New York, Charleston, etc. . . The documents in these 17 volumes are calendared in Brymner's *Canadian archives*. . . Complete copies of the entire collection are in the archives of the government at Ottawa."—Andrews and Davenport, *Guide to the manuscript materials for the history of the United States to 1783, in the British Museum, etc.*, p. 105.

Bourguet, Alfred. Le Duc de Choiseul et l'Angleterre, la mission de M. de Bussy à Londres: in *Revue des Questions Historiques*, vol. lxxi, 1-32.

Brissot de Warville, Jean Pierre. The commerce of America with Europe, particularly with France and Great Britain, com-

paratively stated and explained, shewing the importance of the American Revolution to the interests of France, and pointing out the actual situation of the United States, translated [by Joel Barlow], (London, 1794).

Brougham and Vaux, Henry P. Brougham, Baron. Statesmen of time of George the third and fourth [*Works*, vols. iii-v], (Edinburgh, 1872-1873).

Buckingham and Chandos, second Duke of. Memoirs of the court and cabinets of George the third, from original family documents, by the Duke of Buckingham and Chandos (London, 1853-1855), 4 vols.

Buckinghamshire, John Hobart, second Earl of. Despatches and correspondence of John second Earl of Buckinghamshire, ambassador to the court of Catherine the second of Russia, 1762-1765, edited by A. D. Collyer [Camden Society, *Publications*, third series, vols. ii-iii], (London, 1900-1902), 2 vols.

Burgh, James. Political disquisitions; or, an enquiry into public errors, defects, abuses, illustrated by and established upon facts and remarks extracted from a variety of authors, ancient and modern, calculated to draw the timely attention of government and people to a due consideration of the necessity, and the means of reforming those errors, defects, and abuses, of restoring the constitution, and saving the state (Philadelphia, 1775), 3 vols.

Burke, Edmund. Account of the European settlements in America, in six parts: I. A short history of the discovery of that part of the world. II. The manners and customs of the original inhabitants. III. Of the Spanish settlements. IV. Of the Portuguese. V. Of the French, Dutch, and Danish. VI. Of the English (London, 1757), 2 vols.

Probably the joint work of William and Edmund Burke, but usually attributed to the latter.

—— Correspondence, between the year 1744, and the period of his decease, in 1797, edited by Charles William, Earl Fitz-William, and Lieutenant-general Sir Richard Bourke (London, 1844), 4 vols.

Excellent source for the policy of the Old Whigs.

—— Letter from Edmund Burke, respecting the effect of the Quebec Bill upon the boundary of New York: in New York Historical Society, *Collections*, second series, vol. ii, 219.

—— Short account of a late short administration (London, 1766).

—— Works (London, 1899), 12 vols.

BURKE, EDMUND. Observations on a late publication, entitled "The present state of the nation" (London, 1769).

To be found in Burke, *Works*, vol. i, 269.

—— Thoughts on the causes of the present discontents (London, 1770).

This was a pamphlet written for the Old Whigs and was carefully criticized by the leaders of that faction before it was printed. It was, therefore, a factional and controversial piece of writing, and its interpretation of events should not be accepted without a painstaking investigation of the conditions.

BURTON, CLARENCE M. John Connolly, a Tory of the Revolution (Worcester, 1909).

BUTLER, CHARLES. Reminiscences of Charles Butler (London, 1822-1827), 2 vols.

BYARS, WILLIAM V. The first American movement west. Transcripts from the Gratz papers, 1750-1850, collected with related documents, maps and notes, 1913-1914. Manuscript in the Illinois Historical Survey, University of Illinois.

CALDWELL FAMILY PAPERS. Selections from the family papers preserved at Caldwell [edited by William Mure], [Maitland Club, *Publications*], (Glasgow, 1854), 2 vols. in 3.

Excellent source for information on the Earl of Bute and generally on the court faction.

CAMPBELL [JOHN], Lord. Lives of the lord chancellors and keepers of the great seal of England, from the earliest times till the reign of Queen Victoria, edited by John Allan Mallory (Boston, n.d.), 10 vols.

CANADIAN ARCHIVES. Catalogue of pamphlets, journals and reports in Dominion archives, 1611-1887, with index (Ottawa, 1911).

—— Manuscripts.

Most excellent collection of transcripts from the archives in London. I have used, however, copies made from the originals. There are some original Sir William Johnson manuscripts of value.

—— Report on (Ottawa, 1882-date).

Archivists: 1872-1902, D. Brymner; 1902-1904, office vacant; 1904-date, A. G. Doughty. The volumes containing the calendar of the Haldimand manuscripts are particularly valuable; but see also Shortt and Doughty, *Constitutional Documents*.

CARTER, CLARENCE E. Great Britain and the Illinois country, 1763-1774 (Washington, 1910).

This essay was awarded the Justin Winsor prize in American history in 1908. For other publications of Mr. Carter see Alvord and Carter.

CARTER, CLARENCE E. Some aspects of British administration in West Florida: in Mississippi Valley *Historical Review*, vol. i, 364.

CASE of Great Britain and America, addressed to the king, and both houses of Parliament, second edition (London, 1769).

Sabin and others attribute this to George B. Butler, but the Bodleian Library and the British Museum, to Gervase P. Bushe. The latter was probably the author.

CAVENDISH, SIR HENRY. Debates of the House of Commons, during the thirteenth Parliament of Great Britain, commonly called the unreported Parliament, to which are appended illustrations of the parliamentary history of the reign of George the third, by J. Wright (London, 1841[-1843]), 2 vols.

—— Government of Canada. Debates of the House of Commons in 1774, on the bill for making more effectual provision for the government of the province of Quebec now first published by J. Wright with a map of Canada, copied from the second edition of Mitchell's map of North America, referred to in the debates (London, 1839).

Invaluable for understanding the alignment of factions on the American issues just before the outbreak of the American Revolution.

CHALMERS, GEORGE. Estimate of the comparative strength of Great Britain during the present and four preceding reigns, and of the losses of her trade from every war since the Revolution (London, 1782).

Sabin states that the edition of 1802 is the best.

—— Introduction to the history of the revolt of the American colonies: being a comprehensive view of its origin, derived from the state papers contained in the public offices of Great Britain (Boston, 1845), 2 vols.

Volume i appeared in 1782 and was suppressed. The above edition reprints that volume and contains the remaining portion.

—— Political annals of the present united colonies, from their settlement to the peace of 1763, compiled chiefly from records, and authorized often by the insertion of state papers, book I (London, 1780).

So much as relates to the Carolinas is reprinted in Carroll, *Collections*, vol. ii, 273-345. Book ii is reprinted in New York Historical Society, *Collections*, publication fund series, vol. i.

CHARLEVOIX, PIERRE F. X. DE. Journal of a voyage to North America, undertaken by order of the French king, containing a

geographical description and natural history of that country, particularly Canada, together with an account of the customs, characters, etc., of the original inhabitants, in a series of letters to the Duchess of Lesdiguieres, translated from the French (London, 1761), 2 vols.

This translation was reprinted in Dublin in 1766. The translation is poor. A better translation with title *Letters to the Duchess of Lesdiguierres* was printed in one volume in London in 1763.

CHATHAM PAPERS, in Public Record Office, London.

"The Chatham manuscripts, sometimes known from their donor as the Pringle manuscripts, comprise 372 bundles in two series, of which the first series, bundles 1-100, contains the correspondence and papers of the first Lord and Lady Chatham; the second series the correspondence and papers of William Pitt, the younger [bundles 101-363], and of John, second earl of Chatham [bundles 364-372]. Letters written by these members of the Pitt family, whether in the form of originals, copies, or drafts, are in bundles by themselves; most of the other letters are arranged according to the alphabetical order of the names of the writers. . . The papers were deposited in the Public Record Office by Admiral Pringle in 1888."—Andrews, *Guide to the Materials for American History, to 1783, in the Public Record Office of Great Britain*, vol. ii, 351.

CHESTERFIELD, PHILIP DORMER STANHOPE, fourth Earl of. Letters, including numerous letters now first published from the original manuscripts, edited with notes by Lord Mahon (London, 1845-1853), 5 vols.

These letters are particularly illuminating, since Chesterfield's retirement from politics made it possible for him to observe his contemporaries with a certain amount of detachment.

CHRISTIE, ROBERT. History of the late province of Lower Canada, parliamentary and political, from the commencement to the close of its existence as a separate province (Quebec, 1848-1866), 6 vols.

CLARK, GEORGE ROGERS. Manuscripts, preserved in the Virginia State Library.

Some of the correspondence between General Gage and the British commandants at Fort de Chartres (captured by Clark) are of great interest. These have been edited by Charles H. Ambler and printed in the *Branch papers*, vol. iv, no. 2, pp. 86-111 (Richmond, 1914).

CLAVIERE, ETIENNE, et Jean P. Brissot de Warville. Considerations on the relative situations of France and the United States of America, shewing the importance of the American Revolution to the welfare of France (London, 1788).

[CLUNY, ALEXANDER]. The American traveller; or, observations

on the present state, culture and commerce of the British colonies in America, and the further improvements of which they are capable (London, 1769).

There has been some doubt concerning the identity of the author. A letter from Alexander Cluny to Lord Dartmouth, April 13, 1769, in the *Dartmouth manuscripts* leaves no doubt on this score. The book was published under the auspices of Lord Dartmouth while still belonging to the Old Whigs.

COFFIN, VICTOR. The province of Quebec and the early American Revolution: in University of Wisconsin, *Bulletin*, economics, political science and history series, vol. i, no. 3; pp. 275-562 (Madison, 1896).

COLDEN, CADWALLADER. The Colden letter books, vol. ii [New York Historical Society, *Collections*, publication fund series, vol. x], (New York, 1878).

—— Correspondence between Lieutenant-governor Cadwallader Colden and William Smith Jr., the historian, respecting certain alleged errors in the history of New York: in New York Historical Society, *Collections*, publication fund series (New York, 1870), vol. ii, 203-212.

—— Representative eighteenth century official, by Alice M. Keys (New York, 1906).

COLLECTION of scarce and interesting tracts, written by persons of eminence, upon the most important, political and commercial subjects during the years 1763-1770 (London, 1787-1788), 4 vols.

COLUMBIA UNIVERSITY. Columbia University studies in history, economics, and public law (New York, 1891-date).

CONDUCT of a right honorable gentleman in resigning the seals of his office justified, by facts, and upon the principles of the British constitution, by a member of Parliament (London, 1761).

A defense of William Pitt's resignation.

CONDUCT of the late administration examined; with an appendix, containing original and authentic documents (London, 1767).

This was written by Charles Lloyd, secretary to George Grenville. It gives Grenville's own justification of the Stamp Act.

CONDUCT of the late ministry; or, memorial containing a summary of facts, with their vouchers, in answer to the observations sent by the English ministry to the courts of Europe (London, 1757).

Reprinted in 1759 as *The Mystery revealed*. This work is supposed to have been published by the French government in answer to a pamphlet

which was sent by the British government to most of the courts of Europe, entitled *Observations on the Memorial of France*, listed below. It discusses the issue of ownership of the Ohio Valley and of the acts of the commissioners appointed by the two countries to settle the dispute.

CONDUCT of the ministry impartially examined and the pamphlet entitled, "Consideration on the present German war," refuted from its first principles (London, 1760).

One of the polemical pamphlets published during the war. For the pamphlet to which this is an answer see the "Special Bibliography."

CONDUCT of the ministry impartially examined, in a letter to the merchants of London, second edition (London, 1756).

Contains a good account from the ministerial viewpoint of the capture by the French of British traders on the Ohio River.

CONNELLY, JOHN. Narrative of the transactions, imprisonment, and sufferings of John Connelly, an American loyalist and lieutenant-colonel in his majesty's service in which are shewn the unjustifiable proceedings of congress in his treatment and detention (London, 1783).

Connelly was Lord Dunmore's agent in the latter's western schemes.

CONSIDERATIONS on the propriety of imposing taxes in the British colonies for the purpose of raising a revenue by act of Parliament (London, 1766).

Written by Daniel Dulany.

CONSIDERATIONS on the provisional treaty with America, and the preliminary articles of peace with France and Spain (London, 1783).

The author was probably Andrew Kippis. The pamphlet is a defense of the treaty of 1783.

CONSIDERATIONS on the trade and finances of this kingdom, and on the measures of administration, with respect to those great national objects since the conclusion of the peace, third edition (London, 1769).

Written by Thomas Whately in defense of his patron George Grenville. The authorship has been frequently but incorrectly ascribed to Grenville himself. It is reprinted in *Collection of scarce and interesting tracts*, vol. ii, 69-205, q.v.

CONSOLATORY EPISTLE to the members of the old faction occasioned by the Spanish war, by the author of the consolatory letter to the noble lord dismissed from the military service (London, 1762).

[COOPER, MYLES]. Friendly address to all reasonable Americans,

on the subject of our political confusions; in which the necessary consequences of violently opposing the king's troops, and a general non-importation are fairly stated (New York, 1774).

It shows the necessity of the Quebec Act.

CORBETT, JULIAN S. England in the Seven Years' War, a study in combined strategy (London, 1907), 2 vols.

CORRECT COPIES of the two protests against the bill to repeal the American Stamp Act of last session, with lists of the speakers and voters (Paris, 1766).

COWPER, WILLIAM. Works, comprising his poems, correspondence, and translations; with a life by the editor, Robert Southey (London, 1836-1837), 15 vols.

CRAIG, NEVILLE B. The olden time; a monthly publication, devoted to the preservation of documents and other authentic information in relation to the early explorations, and the settlement and improvement of the country around the head of the Ohio, edited by Neville B. Craig (Pittsburgh, 1846-1848), 2 vols.

CROGHAN, GEORGE. Letters and journals relating to tours into the western country, November 16, 1750-November 1765: in R. G. Thwaites, *Early western Travels*, vol. i, 45-173.

CUGNET, FRANÇOIS J. Abstract of the several royal edicts and declarations and provincial regulations and ordinances that were in force in the province of Quebec in the time of the French governments; and of the commissions of the several governors-general and intendants of the said province, during the same period, faithfully collected from the registers of the superior council of Quebec by François Joseph Cugnet, Esq. etc. (London, 1772).

For the other pamphlets published under the same conditions, see *Abstract* and *Sequel of the Abstract.*

—— Extraits des édits, declarations, ordonnances et reglemens, de sa majesté très chrétienne; des reglemens et jugemens des gouverneurs généraux et intendans concernans la justice; et des reglemens et ordonnances de police rendues par les intendans, faisans partie de la legislature en force en la colonie du Canada, aujourd'hui province de Quebec (Quebec, 1775).

The above and the following publications of Cugnet were drawn up at the order of Lord Shelburne and Governor Carleton supposedly by gentlemen learned in Canadian law, but they were all published at Quebec under the name of Cugnet. For the earlier publications in London, see previous title, *Abstract*, and *Sequel of the Abstract.*

—— Traité abregé des ancienes loix, coutumes et usages de la colonie

du Canada, aujourd'hui province de Quebec, tiré de la coutume de la prevôté et vicomté de Paris, à laquelle la dite colonie était assujétie, en consequence de l'edit de l'etablissement du conseil souverain du mois d'Avril 1663; avec l'explication de chaque titre et de chaque article, puisée dans les meilleurs autheurs qui ont écrit et comenté la dite coutume (Quebec, 1775).

CUGNET, FRANÇOIS J. Traité de la loi des fiefs; qui à toujours été suivie en Canada depuis son établissement, tirée de celle contenuë: en la coutume de la prevôté et vicomté de Paris (Quebec, 1775).

—— Traité de la police; qui à toujours été suivie en Canada, aujourd'hui province de Quebec, depuis son établissement jusqu'à la conquête (Quebec, 1775).

CUMBERLAND, RICHARD. Memoirs, written by himself containing an account of his life and writings, interspersed with anecdotes and characters of several of the most distinguished persons of his time, with whom he has had intercourse and connection (London, 1806).

Cumberland was a clerk in the Board of Trade and gives in his *Memoirs* several interesting pen pictures of politicians with whom he came in contact.

DEFENCE of the Right Honorable the Earl of Shelburne – *see* Shelburne, William, Earl of.

DEFINITIVE treaty of peace and friendship, between his Britannick majesty, the most Christian king, and the king of Spain, concluded at Paris, the tenth day of February, 1763; to which, the king of Portugal acceded on the same day (London, 1763).

DELANY, MRS. MARY GRANVILLE [PENDARVES]. Autobiography and correspondence with interesting reminiscences of King George the third and Queen Charlotte, edited by the Right Honourable Lady Llanover (London, 1862), 3 vols.

DE LOLME, JOHN L. Constitution of England; or, account of the English government, in which it is compared, both with the republican form of government, and the other monarchies in Europe (London, 1784).

DESCRIPTION of the English and French territories, in North America: being an explanation of a new map of the same, showing all the encroachments of the French with their forts and usurpations on the English settlements, and the fortifications of the latter (Dublin, 1755).

Pages 22-25 describe the territory in dispute between Great Britain and France.

Dickerson, Oliver M. American colonial government, 1696-1765; a study of the British Board of Trade in its relation to the American colonies, political, industrial, administrative (Cleveland, 1912).

Dictionary of National Biography – *see* Stephen, Leslie and Sidney Lee.

Dinwiddie, Robert. The official records of Robert Dinwiddie, lieutenant-governor of the colony of Virginia, 1751-1758: now first printed from the manuscript in the collections of the Virginia Historical Society, with an introduction and notes by R. A. Brock (Richmond, 1883-1884), 2 vols.

Dionne, Narcisse E. Quebec et la nouvelle France, bibliographie (Quebec, 1905-1907).

This work is published in three volumes, but only the second has the general title. Volume i is "Inventaire chronologique des livres, brochures, journaux et revues publiés en langue française dans la province de Quebec," etc.; volume ii is "Inventaire chronologique des ouvrages publiés à l'etranger en diverses langues sur Quebec et la Nouvelle France," etc.; volume iii is "Inventaire chronologique des livres, brochures, journaux et revues publiés en langue anglaise dans la province de Quebec," etc. A fourth volume on atlases, maps, etc., was announced in 1906 and may have appeared. I have not seen it.

Disraeli, Benjamin. Sybil; or, The two nations (London, 1845), 3 vols.

Documentary history of the state of New York – *see* O'Callaghan, Edmund B.

Documents relative to the colonial history of the state of New York – *see* O'Callaghan, Edmund B.

Dodington, George Bubb, Baron Melcombe. Diary from March 8, 1748 to February 6, 1761; with an appendix, containing some curious and interesting papers, which are either referred to or alluded to, in the diary (Salisbury, 1784).

Source of information for the origins of the court faction.

Douglass, William. Summary, historical and political, of the first planting, progressive improvements, and present state of the British settlements in North America; containing some general account of ancient and modern colonies, the granting and settling of the British continent and West-India Island, the Hudson's Bay Company, etc. (London, 1760), 2 vols.

Dowdeswell, John E. – *see* Dowdeswell, William.

Dowdeswell, William. Notices of the life of, taken by permission

from a manuscript, "Memoir of the Right Honourable William Dowdeswell, M.P. for the county of Worcester and chancellor of the Exchequer during the administration of the Marquis of Rockingham, 1765 and 1766," written by his son John E. Dowdeswell Esquire: in H. Cavendish, *Debates of the House of Commons during the thirteenth Parliament*, appendix ii, 591-626.

Source of information on the Old Whigs.

DRAKE, FRANCIS S. Tea leaves: being a collection of letters and documents relating to the shipment of tea to the American colonies in 1773, by the East India Tea Company, with an introduction and biographical notes of the Boston Tea Party (Boston, 1884).

DRAPER MANUSCRIPTS, preserved in the library of the State Historical Society of Wisconsin, 469 folio vols.

These were collected by Dr. Lyman C. Draper during his long career as a student of western history. The collection is on the whole the most valuable here listed but more valuable for the student interested in the actual occurrences in America than for a study of this character. The classification of the collection is chiefly under the names of important border heroes or pioneers. For a list see below, Wisconsin State Historical Society.

DUER, WILLIAM A. – *see* Alexander, William.

DUNMORE, EARL OF. Manuscripts of the Earl of Dunmore. Transcripts in the Library of Congress.

These are most important for an interpretation of Virginia's western interest. Some but by no means all have been published in Thwaites and Kellogg, *Dunmore's War*, and in Massachusetts Historical Society, *Collections*, fourth series, vol. x.

DURRETT, REUBEN T. Centenary of Louisville; a paper read before the Southern Historical Association, Saturday, May 1st, 1880, in commemoration of the one hundredth anniversary of the beginning of the city of Louisville as an incorporated town, under an act of the legislature of Virginia [Filson Club, *Publications*, no. 8], (Louisville, 1893).

[DUTENS, LOUIS]. Memoirs of a traveller now in retirement, written by himself, interspersed with historical, literary and political anecdotes, relative to many of the principal personages of the present age, translated from the French (London, 1806), 5 vols.

Source of information on the court faction and in particular on the Earl of Bute. Dutens was secretary to Mr. Mackenzie in 1763.

DWIGHT, TIMOTHY. Travels in New-England and New-York (London, 1823), 4 vols.

Ellis, Henry. Original letters illustrative of English history, including numerous royal letters, from autographs in the British Museum (London, 1827-1846), 11 vols.

Contains several letters from Lord Barrington and others which have proved valuable.

English Historical Review (London, 1886-date).

Entick, John. General history of the late war: containing its rise, progress, and event in Europe, Asia, Africa, and America (London, 1763-1764), 5 vols.

—— Historical and geographical description of the British empire, originally compiled by the late Rev. John Entick, and improved by James Webster Esquire (London, 1770), 4 vols.

Essays, commercial and political, on the real and relative interests of the imperial and dependent states, particularly those of Great Britain and her dependencies; displaying the probable causes of, and a mode of compromising the present disputes between this country and her American colonies (Newcastle, 1777).

Evans, Charles. American bibliography of all books, pamphlets, and periodical publications printed in the United States from 1639 to 1820 (Chicago, 1903-1914), 8 vols.

Evans, Lewis. Geographical, historical, political, philosophical and mechanical essays; the first containing an analysis of a general map of the middle British colonies in America, and of the country of the confederate Indians; a description of the face of the country; the boundaries of the confederates; and the maritime and inland navigations of the several rivers and lakes contained therein (Philadelphia, 1755).

The second edition was printed in London in 1756, but was somewhat changed from the original, several material paragraphs being omitted. "I will not take upon me to say what may have been the motives that induced the London editors to make these alterations, tho they may be easily discovered by one who has read the first edition."—Earl of Morten to Duke of Newcastle, January 21, 1760 in British Museum, *Additional Manuscripts*, 32901, f. 397.

—— Geographical, historical, political, philosophical and mechanical essays; number ii, containing a letter, representing the impropriety of sending forces to Virginia: the importance of taking Frontenac; and that the preservation of Oswego was owing to General Shirley's proceeding thither; containing objections to those parts of Evan's general map and analysis, which relates to the French title

to the country, on the north-west side of Saint Laurence River, between Fort Frontenac and Montreal, etc. (London, 1756).

Evans, Lewis. His map of the middle British colonies in America, a comparative account of ten different editions published between 1755 and 1807, by Henry N. Stevens (London, 1905).

Examination into the principles – *see* Shelburne, William, Earl of.

Expediency of a peace deduced from a candid comparison of the respective states of Great Britain and her enemies (London, 1762).

Expediency of securing our American colonies by settling the country adjoining the river Mississippi, and the country upon the Ohio, considered (Edinburgh, 1763).

The only known copy is in the Harvard College Library. This pamphlet is reprinted in Alvord and Carter, *The critical Period, 1763-1765*, [Illinois *Historical Collections*, vol. x], chapter 3. The date of publication of the original was sometime between October 7 and the end of November, 1763.

Farrand, Max. The Indian boundary line: in *American historical Review*, vol. x, 782-791.

—— The taxation of tea, 1767-1773: in *American historical Review*, vol. iii, 266-269.

Fernow, Berthold. The Ohio valley in colonial days (Albany, 1890).

Contains some documents on the old Ohio Company.

Field, Thomas W. Catalogue of the library belonging to Field; including an unrivalled collection of books relating to the American Indians, collections of historical societies, and American history and biography in general (New York, 1875).

Filson Club, Publications (Louisville, Ky., 1884-date).

Fitzgerald, Percy H. – *see* Townshend, Charles.

Fitzmaurice, Lord Edmond – *see* Shelburne, William, Earl of.

Force, Peter. American archives: consisting of a collection of authentick records, state papers, debates, and letters and other notices of public affairs, the whole forming a documentary history of the origin and progress of the North American colonies; of the causes and accomplishments of the American Revolution; and of the constitution of government for the United States, to the final ratification thereof: in six series, prepared and published under authority of an act of Congress (Washington, 1837-1853), fourth series, 6 vols.; fifth series, 3 vols. No more published.

Ford, Amelia C. Colonial precedents of our national land system

as it existed in 1800. [University of Wisconsin, *Bulletin*, no. 352; history series, vol. ii, no. 2], (Madison, 1910).

Fox, Charles James. Life and time, by John Russell, first Earl of Russell (London, 1866), 3 vols.

Fox, Henry, first Lord Holland. Study of the career of an eighteenth century politician, by Thad W. Riker (Oxford, 1911), 2 vols.

Francis, Sir Philip, K.C.B. Memoirs, with correspondence and journals, by Joseph Parkes (London, 1867), 2 vols.

Contains some letters written by relatives in Pennsylvania, who tried to interest Francis in speculation in western lands.

Franklin, Benjamin. Franklin papers, in American Philosophical Society Library, Philadelphia.

For the calendar of these papers, see American Philosophical Society. These manuscripts, numbering 13,800 pieces, are letters sent to Franklin, and they are most illuminating. In them the history of the most important colonial schemes can be traced.

—— Works, compiled and edited by John Bigelow, federal edition (New York, 1904), 12 vols.

—— Writings, collected and edited with a life and introduction by Albert Henry Smyth (New York, 1907), 10 vols.

French Encroachments exposed; or, Britain's original right to all that part of the American continent claimed by France fully asserted; wherein it appears, that the honour and interest of Great Britain are equally concerned, from the conduct of the French, for more than a century past, to vindicate her right (London, 1756).

French Policy defeated: being an account of all the hostile proceedings of the French against the inhabitants of the British colonies in North America, for the last seven years (London, 1755).

Running title "Gallica fides, or French policy, etc." Second edition, London, 1760. Up to page 111 this latter edition is a reprint page for page of the original, but pages 111-130 form an addition and bring the history up to 1759. The pamphlet gives a long and full account of the French encroachments and contains copies of many letters and documents.

Frost, Thomas – *see* Lyttelton, Thomas, Lord.

Full and Candid Answer to a pamphlet, entitled, "Considerations on the present German war," third edition (London, 1761).

For the pamphlet to which this is an answer see the "Special Bibliography."

Full Exposition of a pamphlet entitled, "Observances on the papers

relative to the rupture with Spain in which the charge with respect to a criminal concealment of those papers is refuted – the unreasonableness of such a rupture at the time of Mr. Pitt's resignation demonstrated and the pretended procrastination of that measure vindicated, in an answer from the country-gentleman to the member of Parliament's letter" (London, 1762).

GAGE, GENERAL THOMAS, and others. Correspondence between General Gage and the Commandants at Fort de Chartres, Illinois: in *Branch Papers*, vol. iv, no. 2, pp. 86-111. Edited by Charles H. Ambler (Richmond, 1914).

GAGNON, PHILEAS. Essai de bibliographie canadienne comprenant imprimes, manuscrits, estampes, etc., relatifs à l'histoire du Canada et des pays adjacents (Quebec, 1895-1913), 2 vols.

GAILLARDET, FRÉDÉRIC. Memoires sur la chevalière d'Eon la vérité sur les mysteres de sa vie d'après des documents authentiques (Paris [1866]).

GALLOWAY, JOSEPH. [American tracts], (New York, 1779-1780), 2 vols.

Contents: vol. i: A candid examination of the claims of Great Britain and the colonies. Examination of Joseph Galloway. Letters to a nobleman. A letter to the Right Honourable Lord Viscount H—e. Vol. ii: Historical and political reflections. Cool thoughts. Dispassionate thoughts. Plain truths.

GAZZETTIERE AMERICANO contenente un distinto ragguaglio di tutte le parti del nuovo mondo tradotto dall' inglese earricchito di Aggiunte, note, carte e Rami (Livorno, 1763), 3 vols.

For the English original see *American Gazetteer*.

[GEE, JOSHUA]. Trade and navigation of Great Britain considered, shewing that the surest way for a nation to increase in riches, is to prevent the importation of such foreign commodities as may be raised at home, new edition with interesting additions by a merchant (London, 1767).

GENTLEMAN'S MAGAZINE (London, 1731-1868), 223 vols.

GEORGE THE THIRD. Correspondence of King George the third with Lord North from 1768 to 1783, edited by W. Bondham Donne (London, 1867), 2 vols.

—— Memoirs of the life and reign of, by John H. Jesse (London, 1867), 3 vols.

GIBBON, EDWARD. Miscellaneous works, with memoirs of his life and writings, composed by himself, illustrated from his letters, with

occasional notes and narrative by John [Holroyd] Lord Sheffield (London, 1814), 2 vols.

Source of information on the court faction.

GIST, CHRISTOPHER. Journals with historical, geographical and ethnological notes and biographies of his contemporaries, by William M. Darlington (Cleveland, 1893).

The journal was also published in Boston, 1836, and in Massachusetts Historical Society, *Collections*, series 3, vol. v. The edition listed contains some important documents illustrating western speculation.

[GLOVER, RICHARD]. Memoirs by a celebrated literary and political character, from the resignation of Sir Robert Walpole, in 1742, to the establishment of Lord Chatham's second administration, in 1757; containing strictures on some of the most distinguished men of that time (London, 1814).

GRAFTON, AUGUSTUS HENRY [FITZROY], third Duke of. Autobiography and political correspondence, from hitherto unpublished documents in the possession of his family, edited by Sir W. R. Anson (London, 1898).

This was written by Grafton in his old age, but he carefully consulted his contemporary correspondence and notes. It is one of the best accounts of the period from the hand of a contemporary. In many ways it is a far more trustworthy guide than the more famous *Memoirs* of Walpole. Grafton was at first an Old Whig, then a Pittite, then a court faction Pittite, and finally a Pittite.

GRANT, WILLIAM L. Canada versus Guadaloupe, an episode of the Seven Years' War; in *American Historical Review*, vol. xvii, 735-743.

GREAT BRITAIN. Acts of the Privy Council of England, colonial series, edited by James Munro, M.A. and Sir Almeric W. Fitzroy. K.C.B., K.C.V.O. (Hereford, 1908-1912), 6 vols.

—— British Museum. Additional manuscripts. London

A large number of collections are included under this name. The ones used are described in this bibliography under their separate titles.

—— Calendar of home office papers of the reign of George the third, 1760-1775, edited by J. Redington (vols. i, ii); and by R. A. Roberts (vols. iii, iv), (London, 1878-1899), 4 vols.

—— Historical manuscripts commission, Reports, 1870-date (London, 1874-date), vols i-date.

Manuscripts of the Earl of Carlisle, fifteenth report, appendix, part vi. Manuscripts of the Earl of Dartmouth, eleventh report, appendix, part

v; fourteenth report, appendix, part x; fifteenth report, appendix, part i.

Manuscripts of the Earl of Eglington and Winton, tenth report, appendix i.

Manuscripts of the Right Honorable F. J. Savile Foljambe of Osberton, fifteenth report, appendix, part v.

Manuscripts of J. B. Fortescue, Esq., preserved at Dropmore, thirteenth report, appendix iii.

Manuscripts of Captain H. V. Knox: in Report of manuscripts in various collections, vol. vi.

Manuscripts of the Marquis of Lansdowne, third report, appendix, p. 125; fifth report, appendix, p. 215; sixth report, appendix, part i.

Manuscripts of the Earl of Lonsdale, thirteenth report, appendix, part vii.

Manuscripts of the Duke of Rutland, twelfth report, appendix, part v, vol. ii.

Manuscripts of Mrs. Stopford-Sackville of Drayton House, Northamptonshire, sixteenth report, appendix 20, vol. i.

Manuscripts of the Marquess Townshend, eleventh report, appendix, part iv.

Manuscripts of Charles Fleetwood Weston Underwood, Esq., of Somerby Hall, Lincolnshire, tenth report, appendix i.

Manuscripts of the Hon. Frederick Lindley Wood: in Report on the manuscripts in various collections, vol. viii.

GREAT BRITAIN. Public Record Office. Colonial Office papers. London.

The papers formerly classed under the general head of "Colonial Office" consisted of several groups: first, the Colonial Entry books, which included all papers that came into the hands of the various committees and councils of trade and plantations before 1696; secondly, the America and West Indies and Board of Trade papers; and finally, certain volumes belonging, some to a series known as "Colonial Correspondence," and others to a group called "Colonial Miscellanea." A new system of arrangement by classes and colonies has now gone into effect, which has involved a radical reclassification. The new "List of Colonial Office Records" gives no clew to the former arrangement of volumes, but a description of the old system and a key to references based upon it may be found in Andrews's *Guide to the Materials for American History to 1783, in the Public Record Office of Great Britain*, vol. i, 78 ff.

—— State papers foreign, France. London.

"The collection of foreign state papers now in the Public Record Office consists of such papers as had accumulated in the State Paper Office from earliest times and such other papers as were transferred to that depository from the Foreign Office between 1858 and 1862. . . Though the term 'Foreign Office' did not come into use for many years after 1782 the official classification of the papers has entered those of date earlier than 1782 as State Papers, foreign, and those of 1782 and later as 'Foreign Office Pa-

pers." See Andrews, *Guide to the Materials for American History, to 1783, in the Public Record Office of Great Britain*, vol. i, 26.

[Grenville, George]. Regulations lately made concerning the colonies, and the taxes imposed upon them, considered (London, 1765).

The title of the third edition reads "by the late Right Hon. George Grenville."

Grenville, George and Richard Grenville, Earl Temple. Grenville papers: being the correspondence of Richard Grenville, earl Temple, and the Right Honorable George Grenville, their friends and contemporaries, edited with notes by W. J. Smith (London, 1852-1853), 4 vols.

This is the principal source of information on the Grenvillites.

Haldimand, General Sir Frederick. Manuscripts: in British Museum, Additional manuscripts, 21661-21892 (232 vols.) and 20237.

This collection covers the years 1758-1785, and consists of correspondence with Generals Gage, Amherst, Stanwix; Sir William Johnson, Hon. John Stuart, and others; the governors of the various colonies; agents, paymasters, and superintendents both in America and England; the subordinate officers in America, and various officials in England. It also contains many copies of reports of conditions in Canada, papers relating to Indian affairs, various government instructions and military documents; secret intelligence papers, statistics of trade, memorials, commissions, advertisements, and inventories. Besides this major collection, there is also a group of letters from General Haldimand to Sir John Johnson, superintendent of Indian affairs, The Canadian government preserves copies of the large collection (calendared in Brymner's *Canadian archives*) but not of the Johnson letters. The latter have been calendared and indexed by the British Museum. See Andrews and Davenport, *Guide to the manuscript Materials for the History of the United States to 1783, in the British Museum*, etc., p. 106.

Haliburton, Thomas C. Historical and statistical account of Nova Scotia (Halifax, 1829), 2 vols.

Hall, Hubert. Chatham's colonial policy: in *American historical Review*, vol. v, 659-675.

Hall, James. Sketches of the history, life and manners in the West (Philadelphia, 1835), 2 vols.

This contains some letters and other documents that are important for an understanding of the plans for the colony of Transylvania.

Hamilton, Peter J. Colonial Mobile; an historical study largely from original sources, of the Alabama-Tombigbee Basin and the

old South West, from the discovery of the Spiritu Santo in 1519 until the demolition of Fort Charlotte in 1821 (Boston, 1910).

HANNA, CHARLES A. The wilderness trail; or, the ventures and adventures of the Pennsylvania traders on the Allegheny path, with some new annals of the old West, and the records of some strong men and some bad ones (New York, 1911), 2 vols.

HARDWICKE, PHILIP YORKE, Earl of. Papers: in British Museum, Additional manuscripts, 35349-36378.

These consist of the correspondence and collections of the first four earls of Hardwicke and other members of the Yorke family in the eighteenth and nineteenth centuries. They are divided into A. Correspondence, 35349-35813; B. Papers, 35814-36378. For the period covered by this study the collection is most important.

HARDY, FRANCIS. Memoirs of the political and private life of James Caulfield, Earl of Charlemont (London, 1812), 2 vols.

Confined almost exclusively to literary and Irish affairs, with occasional information on British politics. Charlemont was an intimate friend of the Cavendishes and Conway.

HARRIS, GEORGE. Life of Lord Chancellor Hardwicke, with selections from his correspondence, diaries, speeches and judgements (London, 1847), 3 vols.

Source of information on the Old Whigs.

HART, ALBERT B., editor. The American nation; a history from original sources by associated scholars (New York, 1907-1908), 27 vols.

HASSLER, EDGAR W. Old Westmoreland; a history of western Pennsylvania during the Revolution (Pittsburgh, 1900).

HENING, WILLIAM W. Statutes at large: being a collection of all the laws of Virginia from the first session of the legislature in the year 1619 (Richmond, 1819-1823), 13 vols.

HENLEY, ROBERT, second Baron. Memoir of the life of Robert Henley, Earl of Northington, lord high chancellor of Great Britain (London, 1831).

Northington was a member of the court faction with Pittite tendencies.

HERTZ, GERALD B. The old colonial system [Victoria University of Manchester, England, *Publications*, historical series no. 3], (Manchester, 1905).

[HEY, WILLIAM]. View of the civil government and administration of justice in the province of Canada while it was subject to the crown of France: in Lower Canada *Jurist*, vol. i, 1-48. Collection de decisions du Bas-Canada (Montreal, 1857).

HILDRETH, S[AMUEL] P[RESCOTT]. Memoirs of the early pioneer settlers of Ohio, with narratives of incidents and occurrences in 1775 (Cincinnati, 1854).

The title of the earlier edition, Cincinnati, 1852, is *Biographical and historical Memoirs, etc.*

HISTORICAL MEMORIAL of the negotiation of France and England, from the twenty-sixth of March, 1761 to the twentieth of September of the same year, with the vouchers, translated from the French original (London, 1761).

See *Memoire historique.*

HISTORY of the British dominions in North America, from the first discovery of that vast continent by Sebastian Cabot in 1497, to its present glorious establishment, as confirmed by the late treaty of peace in 1763 (London, 1773).

HISTORY of North America; containing an exact account of their first settlements, their situation, climate, soil, produce, etc. with the present state of the different colonies, and a large introduction (London, 1776).

HISTORY of the reign of George the third from his accession to the throne in 1760 to the end of the seventh session of the sixteenth Parliament of Great Britain in 1790, to which is prefixed a review of the war, which was terminated by the peace of Paris in 1763 (London, 1783-1794), 3 vols.

Written by Robert MacFarlane, but the Library of Congress card ascribes the last two volumes to another hand. The history has a strong Pittite tendency. The first two volumes have titles as follows: "History of the first ten years of George," etc. and "History of the second ten years," etc.

HODGE, FREDERICK WEBB – *see* United States Bureau of American Ethnology.

HOLLAND, ELIZABETH VASSALL, Lady. The journal of Elizabeth, Lady Holland, 1791-1811, edited by the Earl of Ilchester (London, 1908), 2 vols.

HOLLAND, HENRY RICHARD [VASSALL FOX], third Baron. Memoirs of the Whig Party during my time, edited by his son Henry Edward, Lord Holland (London, 1852-1854), 2 vols.

HOMES, HENRY. Memoirs of the life and writings of the Honorable Henry Homes of Kames, by Alexander F. Tyler (Edinburgh, 1814), 3 vols.

HOTBLACK, KATE. The peace of Paris, 1763: in Royal Historical Society, *Transactions*, third series, vol. ii, 235-267.

HOUCK, LOUIS. The Spanish régime in Missouri, a collection of papers and documents relating to upper Louisiana principally within the present limits of Missouri during the dominion of Spain, from the archives of the Indies at Seville, etc. (Chicago, 1909), 2 vols.

HOUGH, FRANKLIN B., editor. Diary of the siege of Detroit in the war with Pontiac; also a narrative of the principal events of the siege, by Major Rogers; a plan for conducting Indian affairs by Colonel Bradstreet; and other authentick documents never before printed [Munsell, Historical series, no. 4], (Albany, 1860).

HOWARD, GEORGE E. Preliminaries of the Revolution, 1763-1775 [A. B. Hart, *American Nation*, vol. viii], (New York, 1907).

HULBERT, ARCHER B. Washington and the West. Being George Washington's diary of September, 1784. Kept during his journey into the Ohio basin in the interest of a commercial union between the Great Lakes and the Potomac River (New York, 1905).

—— Washington's "Tour to the Ohio" and articles of "The Mississippi Company;" in Ohio Archaeological and Historical Society, *Publications* (Columbus, 1908), vol. viii, 431-488.

HUME, DAVID. Essays; moral, political and literary, edited by T. H. Green and T. H. Grose (New York, 1898), 2 vols.

—— Letters to William Strahan, now first edited with notes, index, etc., by G. Birbeck Hill (Oxford, 1888).

—— Life and correspondence, from papers bequeathed by his nephew to the Royal Society of Edinburgh, and other original sources, by J. H. Burton (Edinburgh, 1846), 2 vols.

HUNT, WILLIAM. History of England from the accession of George the third to the close of Pitt's first administration, 1760-1801 (London, 1905).

—— Pitt's retirement from office, 5 October 1761: in *English Historical Review*, vol. xxi, 119-132.

HUNTINGDON, SELINA HASTINGS, Countess of. Life and times, by a member of the houses of Shirley and Hastings (London, 1844), 2 vols.

[HUSKE, JOHN]. Present state of North America, I. The discoveries, rights and possessions of Great Britain, II. The discoveries, rights and possessions of France, III. The encroachment and depredations of the French upon his majesty's territories in North America in times when peace subsisted in Europe between the two crowns (London, 1775).

HUTCHINS, THOMAS. Topographical description of Virginia, Pennsylvania, Maryland, and North Carolina, reprinted from the original edition of 1778, edited by F. C. Hicks (Cleveland, 1904).

ILLINOIS STATE HISTORICAL LIBRARY. Collections.

Vol. i, edited and annotated by H. W. Beckwith (Springfield, 1903).

Vol. ii, Virginia series, vol. i, Cahokia records, 1778-1790, edited by C. W. Alvord (Springfield, 1907).

Vol. v, Virginia series, vol. ii, Kaskaskia records, 1778-1790, edited by C. W. Alvord (Springfield, 1909).

Vol. viii, Virginia series, vol. iii, George Rogers Clark papers, 1771-1781, edited by J. A. James (Springfield, 1912).

Vol. x, British series, vol. i, The critical period, 1763-1765, edited by C. W. Alvord and C. E. Carter (Springfield, 1915).

Vol. xi, British series, vol. ii, The new régime, edited by C. W. Alvord and C. E. Carter (Springfield, 1915).

ILLINOIS STATE HISTORICAL SOCIETY, Journal (Springfield, 1908-date).

ILLINOIS, UNIVERSITY OF. Studies (Urbana, 1900-date).

IMPARTIAL HISTORY of the late glorious war, from its commencement to its conclusion; containing an exact account of the battles and sea engagements; together with other remarkable transactions in Europe, Asia, Africa, and America; with remarks on the peace, the state of parties when it was concluded, and an account of the places ceded to Great Britain (London, 1767).

Generally ascribed to Almon.

INVITATION serieuse aux habitants des Illinois (n.d., n.p.).

Du Simitiere has printed on the title page of the only extant copy (in the Ridgeway Library) "Philadelphia, 1772." The pamphlet is signed "un habitant des Kaskaskias," who was probably Daniel Bloüin or William Clazon. See the reprint listed under Alvord and Carter.

JAMES, JAMES A. George Rogers Clark papers, 1771-1781 [Illinois *Historical Collections*, vol. viii, Virginia series, vol. iii], (Springfield, 1912).

[JEFFERSON, THOMAS]. Summary view of the rights of British America, set forth in some resolutions intended for the inspection of the present delegates of the people of Virginia, now in convention (Williamsburg, 1774).

Printed in Jefferson, *Works* (Federal ed.), vol. ii, where may be found a bibliographical note on it.

—— Works, collected and edited by Paul Leiscester Ford, Federal edition (New York, 1904), 12 vols.

JEFFERYS, T[HOMAS]. Natural and civil history of the French

dominions in North and South America, giving a particular account of the climate, soil, etc., with an historical detail of the acquisitions and conquests made by the British in those parts (London, 1761), 2 parts in 1 vol.

JENYNS, SOAME. Works, also his life by C. N. Cole (London, 1790), 4 vols.

JESSIE, JOHN H.—*see* George the third.

—— *see* Selwyn, George.

JOHNS HOPKINS UNIVERSITY. Studies in historical and political science (Baltimore, 1882-date).

[JOHNSON, SAMUEL]. Hypocrisy unmasked; or, a short inquiry into the religious complaints of our American colonies (London, 1776).

—— Works, with Murphy's essay, by Reverend Robert Lyman (London, 1825), 6 vols.

JOHNSON, SIR WILLIAM. Calendar of the Sir William Johnson manuscripts in the New York State Library, compiled by R. E. Day (Albany, 1909).

In the burning of the Albany capitol many volumes of the Johnson manuscripts were lost. This makes the calendar very valuable. Fortunately transcripts of some of the documents had been previously made for the Illinois State Historical Library and the Wisconsin Historical Society. The Johnson manuscripts were unquestionably the most important single collection of source material for western history during the prerevolutionary era.

—— Johnson manuscripts, in New York State Library, Albany.

See note to the previous title.

—— Life and times, by William L. Stone (Albany, 1865), 2 vols.

—— Manuscripts, edited by Charles H. Lincoln: in American Antiquarian Society, *Transactions and Collections*, vol. xi, 9-53.

JOHNSON, WILLIAM SAMUEL. Letters to the governors of Connecticut: in Massachusetts Historical Society, *Collections*, fifth series, vol. ix, 211-490.

Doctor William S. Johnson was in London during a part of this period and his letters are full of observations on politics and politicians.

JUNIUS: including letters by the same writer, under other signatures (now first collected) to which are added his confidential correspondence with Mr. Wilkes and his private letters addressed to Mr. H. L. Woodfall, with a preliminary essay, notes, etc. (London, 1812), 3 vols.

This is the best edition of Junius. The writer of the Junius letters

was a follower of George Grenville and his letters are an excellent source for the Grenvillites' policy.

KASKASKIA MANUSCRIPTS, preserved in the circuit clerk's office, Chester, Illinois.

This collection consists of about three thousand documents dating from 1727 to 1790. They are all mounted and preserved in portfolios. For the period covered by this study the number of documents is not large, but some are very important, particularly the record of the court established by Lieutenant-Colonel Wilkins in 1768. For description of the collection see Alvord, *Old Kaskaskia Records*, and *Eighteenth Century Records*, etc.

[KENNEDY, ARCHIBALD]. The importance of gaining and preserving the friendship of the Indians to the British interest, considered (London, 1752).

Kennedy was receiver-general of the colony of New York. He urged a union of the colonies for the purposes of defense and for common action in Indian affairs.

—— Serious considerations on the present state of the affairs of the northern colonies (New York, 1754).

Printed in London the same year.

KENT, C[LEMENT] B. ROYLANCE. The English Radicals; an historical sketch (London, 1899).

KEPPEL, AUGUSTUS VISCOUNT. Life, by the Honorable and Reverend Thomas Keppel (London, 1842), 2 vols.

KEPPEL, THOMAS – *see* Keppel, Augustus Viscount.

KER, JOHN. Memoirs and secret negotiations (London, 1726), part ii.

Contains good account of Louisiana and the plans of the French. The description is based on the books of Hennepin and La Hontan, the map, on Delisle's.

KEYS, ALICE M. – *see* Colden, Cadwallader.

KINGSFORD, WILLIAM. The history of Canada, 1608-1841 (Toronto, 1887-1898), 10 vols.

[KNOX, WILLIAM]. The claim of the colonies to an exemption from internal taxes imposed by authority of Parliament, examined in a letter from a gentleman in London to his friend in America (London, 1765).

In an undated letter to Lord Dartmouth, William Knox (*Dartmouth manuscripts*) describes the various pamphlets defending the British policy, which he wrote, and he also tells in a very humorous way his profits and losses from them.

—— Controversy between Great Britain and her colonies reviewed; the several pleas of the colonies in support of their right to all

liberties and privileges of British subjects, and to exemption from the legislative authority of Parliament stated and considered, and the nature of their connection with, and dependence on Great Britain shewn, upon the evidence of historical facts and authentic records (London, 1769).

[Knox, William]. Extra official state papers, addressed to the Right Honourable Lord Rawdon and the other members of the two houses of Parliament associated for the preservation of the constitution and promoting the prosperity of the British empire (London, 1789), 2 parts in 1 vol.

—— Manuscripts – *see* Great Britain.

—— The justice and policy of the late act of Parliament for making more effectual provision for the government of the province of Quebec, asserted and proved; and the conduct of administration respecting that province stated and vindicated (London, 1774).

The best contemporary discussion of the Quebec Act from the ministerial point of view.

Lansdowne, Marquess of. Manuscripts of the Marquess of Lansdowne. Preserved at Lansdowne House, London.

Sometimes called Shelburne manuscripts. The Earl of Shelburne (later Marquess of Lansdowne) played such an important political rôle during the period and was so interested in the development of the colonies that the correspondence and documents which he has left, all carefully preserved, make this collection the most important of the private collections for this study. Calendars of the collection are in Historical Manuscripts Commission, *Third Report*, Appendix; *Fifth Report*, Appendix; *Sixth Report*, Appendix, part 1.

Lee, Arthur. Life of Arthur Lee, LL.D., joint commissioner of the United States to the court of France, and sole commissioner to the courts of Spain and Prussia, during the Revolutionary War, with his political and literary correspondence and his papers on the diplomatic and political subjects and the affairs of the United States during the same period, by Richard H. Lee (Boston, 1829), 2 vols.

Lee, Charles. The Lee papers, 1754 [-1811], [New York Historical Society, *Collections*, fund series, vols. iv-vii], (New York, 1872-1875).

Lee Richard H. Letters collected and edited by James Curtis Ballagh (New York, 1911), 2 vols.

—— *see* Lee, Arthur.

Lemieux, Rodolphe. Les origines du droit franco-canadien; com-

prenant, I. L'histoire du droit français depuis l'epoque gallo-romaine jusqu'à l'ère revolutionnaire inclusivement, II. L'histoire du droit canadien depuis la découverte du Canada jusqu'à la cession (domination français), et depuis le traité de Paris (1763) jusqu'à la confédération inclusivement (domination anglaise), (Montreal, 1901).

LENNOX, LADY SARAH. Life and letters, 1745-1826, also a short political sketch of the years 1760 to 1763 by Henry Fox, first Lord Holland, edited by the Countess of Ilchester, and Lord Stavordale (London, 1902), 2 vols.

The political sketch of the years 1760 to 1763 is most important for an understanding of the views of the court faction.

LETTER from an independent man to his friend in the country upon the late pamphlet entitled, "Observations on the papers relative to the rupture with Spain" (London, 1762).

LETTER from a member of the opposition to Lord B—— (London, 1763).

LETTER from a patriot in retirement, to the Right Honourable Mr. William Pitt upon the resignation of his employment (London, 1761).

LETTER to her R—l H—s the P—s D–w–g–r of W— on the approaching peace, with a few words concerning the Right Honourable the Earl of B—, and the general talk of the world (London, 1762).

LETTER to the Earl of Chatham on the Quebec Bill, fifth edition (London, 1774).

Written by Sir William Meredith.

LETTER to the Earl of Shelburne on the peace (London, 1783).

Signed Portius, February 5, 1783. The author criticises the peace.

LETTER to the Right Honourable W— P—, by a citizen (London, 1761).

LETTER to Sir William Meredith, Bart., in answer to his late letter to the Earl of Chatham (London, 1774).

LETTERS of an Englishman; in which the principles and conduct of the Rockingham Party, when in administration and opposition, are freely and impartially displayed (London, 1786).

LEWIS, SIR GEORGE CORNEWALL, second baronet. Essays on the administrations of Great Britain from 1783 to 1830, contributed to the Edinburgh *Review*, edited by Sir Edmund Head (London, 1864).

LIFE, adventures, intrigues and amours of the celebrated Jemmy Twitcher – *see* Sandwich, John Montague, Earl of.

LINCOLN, CHARLES H. The revolutionary movement in Pennsylvania, 1760-1776 [University of Pennsylvania, Series in History, no. 1], (Philadelphia, 1901).

LIST of early land patents and grants: in the Virginia *Magazine of History and Biography*, vol. v, 173, 241.

LIST of the minority in the House of Commons, who voted against the bill to repeal the American Stamp Act (Paris, 1766).

[LONG, EDWARD]. History of Jamaica; or, general survey of the antient and modern state of that island: with reflections on its situation, settlements, inhabitants, climate, products, commerce, laws, and government (London, 1774), 3 vols.

LUCAS, REGINALD – *see* North, Lord.

LYTTELTON, GEORGE, Lord. Memoirs and correspondence from 1734 to 1773, edited by Robert Phillimore (London, 1845), 2 vols.

Lyttelton was a member of the Grenvillites faction.

LYTTELTON, THOMAS, Lord. Life by Thomas Frost (London, 1876).

M'CULLOH, HENRY. Miscellaneous representations relative to our concerns in America submitted [in 1761] to the Earl of Bute by Henry M'Culloh. Now first printed from the original manuscripts, with biographical and historical introduction by William A. Shaw (London [1905]).

Mr. Shaw claims that Grenville drew his idea of the Stamp Act from this. See *Miscellaneous Essay, etc., Proposals for Uniting, etc., Wisdom and Policy, etc.*

MAITLAND CLUB. Publications (Glasgow, 1827-1859), 75 vols.

MALMESBURY, JAMES HARRIS, First Earl of. Diaries and correspondence of James Harris, first earl of Malmesbury; containing an account of his missions to the courts of Madrid, Frederick the Great, Catherine the second, and the Hague; and his special missions to Berlin, Brunswick, and the French republic, edited by his grandson, the third earl (London, 1844), 4 vols.

MAP: AMERICAN military pocket atlas, being an approved collection of correct maps, both general and particular of the British colonies (London [1776]).

MAP: DELISLE, GUILLAUME. Carte d'Amérique dressée pour l'usage du roy (Paris, l'auteur, 1722).

MAP: EVANS, LEWIS. General map of the middle British colonies in America; viz. Virginia, Mariland, Delaware, Pensilvania, New-Jersey, New-York, Connecticut and Rhode Island, of Aquanishuonîgy, the country of the Confederate Indians, comprehending Aquanishuonîgy proper, their place of residence, Ohio and Tïiuxsoxruntie, their deer-hunting countries, Couxsoxrage and Skaniadarâde, their beaver-hunting countries; of the lakes Erie, Ontario, and Champlain, and of part of New-France wherein is also shewn the antient and present seats of the Indian nations (Philadelphia, 1755).

MAP: FRY, JOSHUA and Peter Jefferson. Map of the most inhabited part of Virginia containing the whole province of Maryland with part of Pennsylvania, New Jersey and North Carolina: in the *American Atlas or a geographical Description of the whole Continent of America*, by Thomas Jefferys (London, 1778).

The map was originally printed in 1751.

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The original map was printed in 1755.

MAP: POPPLE, HENRY. Map of the British empire in America with the French and Spanish settlements adjacent thereto (London [1733]).

[MARRIOTT, JAMES]. Plan of a code of laws for the province of Quebec, reported by the advocate-general (London, 1774).

Printed in Shortt and Doughty, *Constitutional Documents*, 310 ff.

MARYLAND HISTORICAL SOCIETY. Archives of Maryland (Baltimore, 1883-date).

MASERES, FRANCIS, compiler. Collection of several commissions and other public instruments, proceeding from his majesty's royal authority, and other papers relating to the state of the province of Quebec since 1760 (London, 1772).

—— Canadian freeholder: in three dialogues between an Englishman and a Frenchman, settled in Canada shewing the sentiments of the bulk of the freeholders concerning the late Quebeck Act; with some remarks on the Boston Charter Act; and an Attempt to shew the great expediency of immediately repealing both those acts of the Parliament, etc. (London, 1776-1779), 3 vols.

—— Considerations on the expediency of procuring an act of Par-

liament for the settlement of the province of Quebec (London, 1766).

Also published in *Occasional Essays* by the same author, and by Shortt and Doughty, *Constitutional Documents*, 179 ff.

—— Draught of an act of Parliament for settling the laws of the province of Quebec [London, 1772].

This was issued in August, 1772. Shortt and Doughty, *Constitutional Documents*, 373, *footnote* 4.

—— Draught of an act of Parliament for settling the laws of the province of Quebec [London, 1773].

This was issued in March, 1773. Shortt and Doughty, *Constitutional Documents*, 373, *footnote* 4.

—— Occasional essays on various subjects chiefly political and historical; extracted partly from the public newspapers during the present reign and partly from tracts published in the reign of Queen Elizabeth, King Charles the first, King Charles the second, etc. (London, 1809).

—— Things necessary to be settled in the province of Quebec, either by the king's order in council, or by act of Parliament [London, 1772 or 1773].

MASON, GEORGE. Life, 1725-1792, including his speeches, public papers, and correspondence; with an introduction by General Fitzhugh Lee, by Kate M. Rowland (New York, 1892).

MASSACHUSETTS HISTORICAL SOCIETY, Collections (Boston, 1794-date).

MATHEWS, LOIS K. Expansion of New England: the spread of New England settlement and institutions to the Mississippi River, 1620-1865 (Boston, 1909).

MAYER, BRANTZ. Tah-gah-jute; or, Logan and Captain Michael Cresap (Baltimore, 1851).

MÉMOIRE contenant le précis des faits, avec leurs pièces justificatives, pour servir de réponse aux observations envoyées par les ministers d'Angleterre, dans les cours de l'Europe (Paris, 1756).

Contains Washington's journal, General Braddock's letters and instructions. This was translated into English several times and printed as *The Conduct of the late Ministry, The Mystery revealed*, and *A Memorial containing a summary View of Facts*. An American edition is printed in Craig's *Olden Times*, vol. ii.

MÉMOIRE historique sur la negociation de la France et de l'Angle-

terre, depuis le 26 mars 1761 jusqu'au 20 septembre de la même année, avec les pièces justificatives (Paris, 1761).

Reprinted same year in London, also in translation as *Historical Memorial, etc.*

MEMORIAL containing a summary view of facts, with their authorities, in answer to the observations sent by the English ministry to the courts of Europe, translated from the French (Philadelphia, 1757).

An American translation of *Memoire contenant*, etc., q.v.

MEMORIAL of the Illinois and Wabash Land Companies: in *American State Papers*, class viii, public lands, vol. ii, p. 108 ff.

MEMORIAL of the Illinois and Wabash Land Company, 13th January, 1797, referred to Mr. Jeremiah Smith, Mr. Kittera, and Mr. Baldwin, published by order of the House of Representatives (Philadelphia [1797]).

MICHIGAN PIONEER AND HISTORICAL SOCIETY. Collections and researches (Lansing, 1877-date).

MILLS, DAVID. Report on the boundaries of the province of Ontario (Toronto, 1873).

This contains an excellent analysis of the British ministry's western policy and deserves to be better known.

MISCELLANEOUS ESSAY concerning the courses pursued by Great Britain in the affairs of her colonies; with some observations on the great importance of our settlements in America and the trade thereof (London, 1755).

The author was probably Henry M'Culloh. From the advertisements in the various pamphlets it is proved that the same author wrote *Proposals for Uniting, etc.*, and *Wisdom and Policy*, q.v.

MISSISSIPPI VALLEY Historical Review (Cedar Rapids, 1914-date).

MITCHELL, JOHN. Contest in America between Great Britain and France, with its consequences and importance, giving an account of the views and designs of the French, with the interests of Great Britain, and the situation of the British and French colonies in all parts of America (London, 1757).

——. Present state of Great Britain and North America, with regard to agriculture, population, trade, and manufactures, impartially considered (London, 1767).

MORELLET, L'ABBÉ ANDRE. Lettres, à Lord Shelburne, depuis marquis de Lansdowne, 1772-1803, avec introduction et notes par Lord Edmund Fitzmaurice (Paris, 1898).

MORGAN, GEORGE. Letter book. Preserved in Carnegie Library, Pittsburgh, Pennsylvania.

Morgan was the agent of Baynton, Wharton, and Morgan of Philadelphia at Kaskaskia, Illinois, during the period of that firm's operations in that region. The Letter-book is very complete and will appear in the British series of the Illinois *Historical Collections*, now being published. See Alvord and Carter. A copy of the Letter-book is preserved in the Illinois State Historical Library.

MORRIS, CAPTAIN THOMAS. Journal of, of his majesty's seventeenth regiment of infantry; Detroit, September 25, 1764: in R. G. Thwaites, *Early Western Travels*, vol. i, 293-328.

MUDFORD, WILLIAM. Critical examination of the writings of Richard Cumberland Esquire, with an occasional inquiry into the age in which he lived and the contemporaries with whom he flourished, also memoirs of his life and an appendix (London, 1812), 2 vols.

MUNRO, WILLIAM B. Documents relating to the seigniorial tenure in Canada, 1598-1854. Edited with a historical introduction and explanatory notes (Toronto, 1908).

—— Seigniorial system of Canada: a study in French colonial policy [Harvard *Historical Studies*], (New York, 1907).

MYSTERY reveal'd; or, Truth brought to light: being a discovery of some facts, in relation to the conduct of the late M—y, which however extraordinary they may appear, are yet supported by such testimonies of authentick papers and memoirs as neither confidence can out brave; nor cunning invalidate, by a patriot, Monstrum Horrendum (London, 1759).

Written by someone hostile to the Duke of Newcastle. The second part contains a translation of the French documents that are printed in *Memoire*, etc., q.v. See also *Memorial*, and *Conduct of the Ministry*.

NEW AND IMPARTIAL COLLECTION of interesting letters from the public papers; many of them written by persons of eminence, on a great variety of important subjects which have occasionally engaged the public attention, from the accession of his present majesty, in September 1765, to May 1767 (London, 1767), 2 vols.

Contains numerous articles on the American colonies.

NEWCASTLE, THOMAS PELHAM HOLLES, first Duke of. Narrative of the changes in the ministry, 1765-1767, told by the Duke of Newcastle in a series of letters to John White, member of Parliament, edited by Mary Bateson [Camden Society, *Publications*, new series, vol. lix], (London, 1898).

A most important source of information on the Old Whigs.

Newcastle Papers, official correspondence, 1697-1768: in British Museum, Additional manuscripts, 32686-33057, 307 vols.

"The correspondence is arranged chronologically in 307 volumes. To the end of the year 1723 it is contained in one series; from 1724 to 1754 it is divided into two series: Home Correspondence and Diplomatic Correspondence; from 1755 to 1768, it is again contained in one series. The volumes are not listed in the Additional Manuscripts Catalogue, 1882-1887, but are indexed very fully. Volumes 33028-33030 are a part of the Newcastle Papers, and relate wholly to the affairs of the American and West Indian colonies, 1701-1802." – Andrews and Davenport, *Guide to the manuscript Materials for the History of the United States to 1783, in the British Museum*, etc., 123.

New Jersey Archives, first series, vol. xxiv. Extracts from American newspapers relating to New Jersey, vol. v, 1762-1765. (Paterson, 1902).

New Jersey Historical Society. Collections (Newark, 1846-date).

New York Historical Society. Collections (New York, 1811-date).

Nicholls, John. Recollections and reflections, personal and political, as connected with public affairs during the reign of George the third (Philadelphia, 1822).

Some chapters relate to American affairs. See account of Chatham's enthusiasm for war with Spain in 1771.

Nichols, John. Literary anecdotes of the eighteenth century; comprizing biographical memoirs of William Bowyer and many of his learned friends (London, 1812-1815), 9 vols.

North, Lord. The prime minister; a personal memoir: in *North American Review*, vol. clxxvi, 778-791.

—— Second earl of Guilford, K.G., 1732-1792, by Reginald Lucas (London, 1913), 2 vols.

North American Review (New York, 1815-date).

North Carolina. Colonial Records – *see* Saunders, W. L.

Nugent, Thomas, LL.D. History of Vandalia (London, 1766-1773), 3 vols.

Observations and reflections on an act passed in the year 1774, for the settlement of the province of Quebec, by a country gentleman (London, 1782).

Observations from the law of nature and nations, and the civil law; shewing that the British nation have an undoubted right, during the present war, to seize on all the French property in neutral

bottoms, and particularly every thing brought from the French settlements in America (London, 1759).

OBSERVATIONS in the papers – *see* Wilkes, John.

O'CALLAGHAN, EDMUND B. Documentary history of the state of New York (Albany, 1849-1851), 4 vols.

—— Documents relative to the colonial history of the state of New York; procured in Holland, England, and France, by John R. Brodhead, Esquire, agent (Albany, 1856-1860), 11 vols.

OHIO archaeological and historical quarterly (Columbus, 1887-date).

OHIO COMPANY PAPERS – *see* Pennsylvania Historical Society.

OSWALD, JAMES. Memorials of the public life and character of the Right Honorable James Oswald of Dunnikier: contained in a correspondence with some of the most distinguished men of the last century (Edinburgh, 1825).

Oswald was one of the most important Scotch members of Parliament. The above is a source of information on the court faction, and in particular on the opinions of the Earl of Bute.

PAINE, THOMAS. Writings, collected and edited by M. D. Conway (New York, 1894-1896), 4 vols.

PAPERS relative to the rupture with Spain laid before both houses of Parliament, on Friday the twenty-ninth day of January, 1761, by his majesty's command (London, 1762).

PARKES, JOSEPH – *see* Francis, Sir Philip.

PARKMAN, FRANCIS. Conspiracy of Pontiac and the Indian war after the conquest of Canada (Boston, 1907), 2 vols.

—— Montcalm and Wolfe (Boston, 1905), 2 vols.

PARLIAMENTARY HISTORY of England from the Norman Conquest in 1066 to the year 1803 (London, 1806-1820), 36 vols.

Volumes i-xii have the title Cobbett's *Parliamentary History*. The later volumes were published by T. C. Hansard.

PENNSYLVANIA ARCHIVES, fourth series, edited by George Edward Reed, under the direction of [the] secretary of the commonwealth (Harrisburg, 1900-1902), 12 vols.; fifth series, edited by Thomas Lynch Montgomery, under the direction of [the] secretary of the commonwealth (Harrisburg, 1906), 8 vols.

PENNSYLVANIA STATE HISTORICAL SOCIETY. Gratz Papers.

Contains several important letters of William Murray, who was the agent of Franks and Company of Philadelphia in all their financial operations in the Illinois country.

PENNSYLVANIA STATE HISTORICAL SOCIETY. Ohio Company Papers, Philadelphia.

This collection is most important for an understanding of western history. It consists largely of letters which passed between the men most interested in the proposed colony of Vandalia and of copies of the most important documents bearing on the negotiations in London.

—— Wharton Correspondence.

This is the correspondence of Thomas and Samuel Wharton and is most important for an understanding of the latter's activities. See Wharton, Thomas.

PENNSYLVANIA UNIVERSITY. Publications, series in history (Philadelphia, 1901-1905), nos. i, ii.

PHELPS, MATTHEW. Memoirs and adventures of Captain Matthew Phelps formerly of Harwington in Connecticut, now resident in Newhaven in Vermont, particularly in two voyages from Connecticut to the river Mississippi, from December 1773 to October 1780, compiled from the original journal and minutes kept by Mr. Phelps, etc., by Anthony Haswell (Bennington, Vermont, 1802).

Phelps was a member of General Lyman's company.

PHILLIPS, PAUL C. The West in the diplomacy of the American Revolution [University of Illinois *Studies in the Social Sciences*, vol. xi, no. 7], (Urbana, 1913).

PITT, WILLIAM, Earl of Chatham, by Albert von Ruville, translated by H. J. Chaytor, assisted by Mary Morison; with introduction by Professor Hugh E. Edgerton (London, 1907), 3 vols.

—— Correspondence, edited by the executors of his son, John, earl of Chatham, and published from the original manuscripts in their possession (London, 1838-1840), 4 vols.

Source for information on Pittites.

—— Life, by Basil Williams (London, 1913), 2 vols.

—— Lord Chatham, his early life and connections, by Archibald Philip Primrose, fifth Earl of Rosebery (New York, 1910).

—— und Graf Bute. Ein Beitrag zur inneren Geschichte Englands unter Georg III, by Albert von Ruville (Berlin, 1895).

PITTMAN, CAPTAIN PHILIP. The present state of the European settlements on the Mississippi, with a geographical description of that river illustrated by plans and draughts, an exact reprint of the original edition, London, 1770, edited by F. H. Hodder (Cleveland, 1906).

PITTSBURGH IN 1761 – a return of the number of houses, of the names

of the owners, and number of men, women, and children in each house at Fort Pitt, April 14th, 1761: in the Pennsylvania *Magazine of History and Biography*, vol. vi, 344 (Philadelphia, 1882).

Political Considerations: being a few thoughts of a candid man at the present crisis: in a letter to a noble lord retired from power (London, 1762).

Attributed to James Marriott.

Political Essays concerning the present state of the British Empire; particularly respecting I. Natural advantages and disadvantages, II. Constitution, III. Agriculture, IV. Manufactures, V. The colonies, VI. Commerce (London, 1772).

Attributed with great probability to John Campbell. The author, evidently a member of the court faction, advocates the establishment of colonies in the West.

Political Register, an impartial review of new books (London, 1767-1772), 11 vols.

Political Science Quarterly (Boston, 1886-date).

Porritt, Edward. The unreformed House of Commons; parliamentary representation before 1832, by Edward Porritt assisted by Annie G. Porritt (Cambridge, 1903), 2 vols.

Post, Charles F. Two journals of western tours; one, to the neighborhood of Fort Duquesne, July–September, 1758; the other, to the Ohio, October, 1758 – January 1759: in R. G. Thwaites, *Early Western Travels*, vol. i, 175-291.

Pownall, Charles A. W. – *see* Pownall, Thomas.

Pownall, Thomas. The administration of the British colonies wherein their rights and constitution are discussed and stated (London, 1774), 2 vols.

—— Governor of Massachusetts Bay, author of letters of Junius; with supplement comparing the colonies of Kings George the third and Edward the seventh, by Charles A. W. Pownall (London, 1908).

Many letters written by Pownall are printed.

—— Topographical description of such parts of North America as are contained in the (annexed) map of the middle British colonies, etc., in North America (London, 1776).

This was written to accompany a new edition of Lewis Evans's map.

Pratt, D[aniel] J., editor. Report on the boundaries of the state of New York (Albany, 1874-1884), 2 vols.

Pratz, Le Page du. The history of Louisiana, or of the western parts of Virginia and Carolina; containing a description of the countries that lye on both sides of the river Mississippi; with an account of the settlements, inhabitants, soil, climate, and products, translated from the French, with some notes and observations relating to our colonies (London, 1763), 2 vols.

In his long preface the translator admits that he "has left out many things that appeared to be trifling and abridged some parts of it."

Preliminary Articles of peace, between his Britannick majesty, the most Christian king, and the Catholic king, signed at Fontainebleau, the third day of November, 1762, published by authority (London, 1762).

Present State of North America – *see* Huske, John.

Present State of the British empire in Europe, America, Africa and Asia; containing a concise account of our possessions in every part of the globe (London, 1767).

Price, Richard. Observations on the nature of civil liberty, the principles of government, and the justice and policy of the war with America (London, 1776).

Priestley, Joseph. Life and correspondence, edited by John Towell Rutt (London, 1831), 2 vols.

—— Memoirs, to the year 1795, written by himself; with a continuation to the time of his decease, by his son Joseph Priestley; and observations on his writings by Thomas Cooper and the Reverend William Christie (London, 1806-1807), 2 vols.

Proposals for uniting the English colonies on the continent of America so as to enable them to act with force and vigour against their enemies (London, 1757).

The author was probably Henry M'Culloh. See note to *Miscellaneous Essay*, etc.

Provisions made by the treaties of Utrecht, for separating Spain for ever from France and for preventing France from enjoying any separate exclusive commerce with the Spanish dominions in America; and the provisions made by several treaties between Great Britain and Spain, for the British subjects enjoying a beneficial trade with Spain, with certain rights, immunities, liberties, etc., collected and stated, together with the late treaty of union between France and Spain (London, 1762).

Rae, John – *see* Smith, Adam.

Ranck, George W. Boonesborough; its founding, pioneer strug-

gles, Indian experiences, Transylvania days, and revolutionary annals [Filson Club, Publications, no. 16], (Louisville, 1901).

RAYNAL [GUILLAUME THOMAS], ABBÉ. Philosophical and political history of the settlements and trade of the Europeans in the East and West Indies, translated from the French by Justamond (London, 1776), 5 vols.

REMARKS on Doctor Price's Observations on the nature of civil liberty, etc., with a satirical address to the Right Honorable the Earl of S–l–ne (London, 1776).

REMARKS on the papers relative to the rupture with Spain, occasioned by the observations on the same (London, 1762).

REMARKS on the principal acts of the thirteenth Parliament of Great Britain, by the author of letters concerning the present state of Poland, vol. i, containing remarks on the acts relating to the colonies, with a plan of reconciliation (London, 1775).

Written by John Lind. Only one volume was published. Part iii, section vii contains a friendly but real criticism of the Quebec Act.

REMARKS on two popular pamphlets viz. the Consideration on the present German war, and the full and candid answer to the consideration (London, 1760).

REPLY to the Defence of the Earl of Shelburne – *see* Shelburne, William, Earl of.

REVIEW of the government and grievances of the province of Quebec, since the conquest of it by the British arms; to which is added, an appendix containing extracts from authentic papers (London, 1788).

REVUE des questions historiques (Paris, 1866-date).

REVUE HISTORIQUE (Paris, 1876-date).

RIGHTS of Great Britain asserted against the claims of America: being an answer to the declaration of the general Congress (Edinburgh, 1776).

RIKER, THAD W. – *see* Fox, Henry.

ROBERTS, WILLIAM. Account of the first discovery and natural history of Florida, with a particular detail of the several expeditions and descents made on that coast, collected from the best authorities; together with a geographical description of that country by T. Jefferys, geographer to his majesty (London, 1763).

[ROBINSON, MATTHEW]. Considerations on the measures carrying on with respect to the British colonies in North America, second edition revised (London [1774]).

[Robinson, Matthew]. Further examination of our present American measures and of the reasons and the principles on which they are founded, by the author of Considerations on the measures carrying on with respect to the British colonies in North America (Bath, 1776).

Rogers, Robert. Concise account of North America; containing a description of the several British colonies on that continent, including the islands of Newfoundland, Cape Breton, etc., as to their situation, extent, climate, soil, produce, rise, government, religion, present boundaries, and the number of inhabitants supposed to be in each; also of the interior, or, westerly parts of the country upon the rivers Saint Laurence, the Mississippi, Christino, and the Great Lakes; to which is subjoined, an account of the several nations and tribes of Indians residing in those parts, as to their customs, manners, government, numbers, etc., containing many useful and entertaining facts never before treated of (London, 1765).

—— Ponteach; or, the savages of America, a tragedy, with an introduction and a biography of the author, by Allan Nevins (Chicago, Caxton Club, 1914).

—— Reminiscences of the French war; containing Roger's expeditions with New England rangers under his command, as published in London in 1765 to which is added an account of the life and military services of Major-general John Stark (Concord, 1831).

Rose, George. Diaries and correspondence; containing original letters of the most distinguished statesmen of his day, edited by the Reverend Leveson V. Harcourt (London, 1860), 2 vols.

Rose, J. Holland. William Pitt and national revival (London, 1911).

Rosebery, Archibald Philip Primrose, fifth Earl of – *see* Pitt, William.

Rowland, Kate M. – *see* Mason, George.

Royal Historical Society. Transactions (London, 1872-date).

Royce, Charles C. Cherokee nation of Indians: in *Fifth Annual Report* of the Bureau of Ethnology to the secretary of the Smithsonian Institution, 1883-1884 (Washington, 1887).

Russell, John – *see* Fox, Charles James.

Rutherfurd, John. Importance of the colonies to Great Britain, with some hints towards making improvements to their mutual advantage; and upon trade in general (London, 1761).

Ruville, Albert von – *see* Pitt, William.

—— *see* Pitt, William und Graf Bute.

SABIN, JOSEPH. Dictionary of books relating to America, from its discovery to the present time (New York, 1868 [1867]-1892), vol. i-xix, vol. xx, pt. 1-2.

SAINT CLAIR PAPERS. Life and public services of Arthur Saint Clair, soldier of the Revolutionary War, with his correspondence and other papers, edited by William H. Smith (Cincinnati, 1882), 2 vols.

SANDWICH, JOHN MONTAGUE, Earl. Life, adventures, intrigues and amours of the celebrated Jemmy Twitcher; exhibiting many striking proofs to what baseness the human heart is capable of descending, the whole faithfully compiled from authentic materials (London [1770]).

Jemmy Twitcher was the nickname of the Earl of Sandwich, a member of the Bedfordites.

—— Voyage performed by the late Earl of Sandwich round the Mediterranean in 1738 and 1739, written by himself, to which are prefixed memoirs of the noble author's life by J. Cooke (London, 1799).

SAUNDERS, W. L., editor. Colonial records of North Carolina (Raleigh, 1886-1890), 10 vols.

SCHOOLCRAFT, HENRY R. Information respecting the history, condition and prospects of the Indian tribes of the United States, collected and prepared under the direction of the Bureau of Indian Affairs, per act of Congress of March 3d, 1847 (Philadelphia, 1852-1857), 6 vols.

SCHUMACHER, LUDWIG – *see* Alexander, William, Earl of Stirling.

SCOT'S MAGAZINE (Edinburgh, 1739-1826), 97 vols.

SEASONABLE HINTS from an honest man on the present important crisis of a new reign and a new Parliament (London, 1761).

Ascribed with great probability to the pen of John Douglas, Bishop of Salisbury. Edmund Burke calls it the prospectus of the new system to be followed under George III, *Works*, vol. i, 453.

SECRETARY OF STATE'S letter book, A, commencing the 4th April, 1770, ending the 25th September, 1774 (Florida).

This is a manuscript volume of the official correspondence from West Florida. It was found by its present owner, Mr. H. S. Watson of Bloomington, Illinois, in a pile of books which had been removed from an empty house for the purpose of burning.

SELWYN, GEORGE. George Selwyn and his contemporaries; with memoirs and notes, by John H. Jesse (London, 1843), 4 vols.

Selwyn, George. His letters and his life, edited by E. S. Roscoe, and Helen Clergue (London, 1899).

Sequel of the Abstract of those parts of the custom of the viscounty and provostship of Paris, which were received and practised in the province of Quebec, in the time of the French government; containing the thirteen latter titles of the said abstract, drawn up by a select committee of Canadian gentlemen by the desire of the Honourable Guy Carleton Esquire, captain-general, and governour-in-chief of the said province (London, 1773).

See *Abstract of, etc.*

Sharpe, Horatio. Correspondence, 1750-1771, edited by W. H. Browne [Maryland Historical Society, *Archives*, vols. vi, ix, xiv], (Baltimore, 1888-1895), 3 vols.

[Shebbeare, John]. Letter to the people of England, on the present situation and conduct of national affairs, letter no. 1 (London, 1755).

—— Second letter to the people of England, on foreign subsidies, subsidiary armies and their consequences to this nation (London, 1755).

—— Third letter to the people of England, on liberty, taxes, and the application of public money (London, 1756).

—— Fourth letter to the people of England, on the conduct of the m—rs in alliances, fleets, and armies, since the first differences on the Ohio, to the taking of Minorca by the French (London, 1756).

—— Fifth letter to the people of England, on the subversion of the constitution and the necessity of its being restored (London, 1757).

—— Sixth letter to the people of England, on the progress of national ruin; in which it is shewn, that the present grandeur of France, and calamities of this nation, are owing to the influence of Hanover on the councils of England (London, 1757).

Shelburne, William, Earl of. Defence from the reproaches of his numerous enemies: in a letter to Sir George Saville Bart., to which is added a postscript addressed to the Right Honorable John, Earl of Stair (London, 1783).

This is a bitter satire written probably by Dennis O'Bryen.

—— Examination into the principles, conduct, and designs of the Earl of Shelburne, taken from a late speech (London, 1783).

—— Life, with extracts from his papers and correspondence, 1737-

1805, by Lord Edmond Fitzmaurice (London, 1912), 2 vols.

One of the chief sources for the policy of the Pittites.

SHELBURNE, WILLIAM, Earl of. Reply to the defence of the Earl of Shelburne, in which the falsehood, calumny and malevolence of that pamphlet are exposed and reputed (London, 1783).

SHEPHERD, WILLIAM R. The cession of Louisiana to Spain: in *Political Science Quarterly*, vol. xix, 439-458.

SHORT VIEW of the political life and transactions of a late Right Honourable Commoner; to which is added, a full refutation of an invidious pamphlet supposed to be published under the sanction of a very popular nobleman, entitled, "An enquiry into the conduct of a late Right Honourable Commoner" (London, 1766).

The "Commoner" is William Pitt.

SHORTT, ADAM, AND ARTHUR S. DOUGHTY. Documents relating to the constitutional history of Canada, 1759-1791, selected and edited with notes [*Canadian Archives*, Sessional paper, no. 18, A. 1907], (Ottawa, 1907).

Undoubtedly one of the most important publications for an understanding of British colonial policy.

SMITH, ADAM. Inquiry into the nature and causes of the wealth of nations (Basil, 1791), 4 vols.

—— Life, by John Rae (London, 1895).

SMITH, J. F. D. Tour in the United States of America containing an account of the present situation of that country; the population, agriculture, commerce, customs, and manners of the inhabitants, etc. (London, 1784), 2 vols.

[SMITH, WILLIAM]. Brief state of the province of Pennsylvania, in which the conduct of their assemblies for several years past is impartially examined, and the true cause of the continual encroachments of the French displayed (London, 1755).

An attack on the Quakers for opposing measures against the French on the Ohio.

—— Brief view of the conduct of Pennsylvania, for the year 1755; so far as it affected the general service of the British colonies, particularly the expedition under the late General Braddock . . . interspers'd with several interesting anecdotes and original papers relating to the politics and principles of the people called Quakers: being a sequel to a late well known pamphlet, intitled, "A brief state of Pennsylvania" (London, 1756).

[SMITH, WILLIAM]. Historical account of Bouquet's expedition against the Ohio Indians in 1764, with preface by Francis Parkman, and a translation of Dumas' biographical sketch of General Bouquet (Cincinnati, 1907).

—— Historical account of the expedition against the Ohio Indians, in the year 1764, under the command of Henry Bouquet including his transactions with the Indians, relative to the delivery of their prisoners, and the preliminaries of peace, with an account of the preceding campaign, and the battle of Bushy-Run; to which are annexed military papers, containing reflections on the war with the savages (Philadelphia, 1766).

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SOUTHEY, ROBERT – *see* Cowper, William.

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